



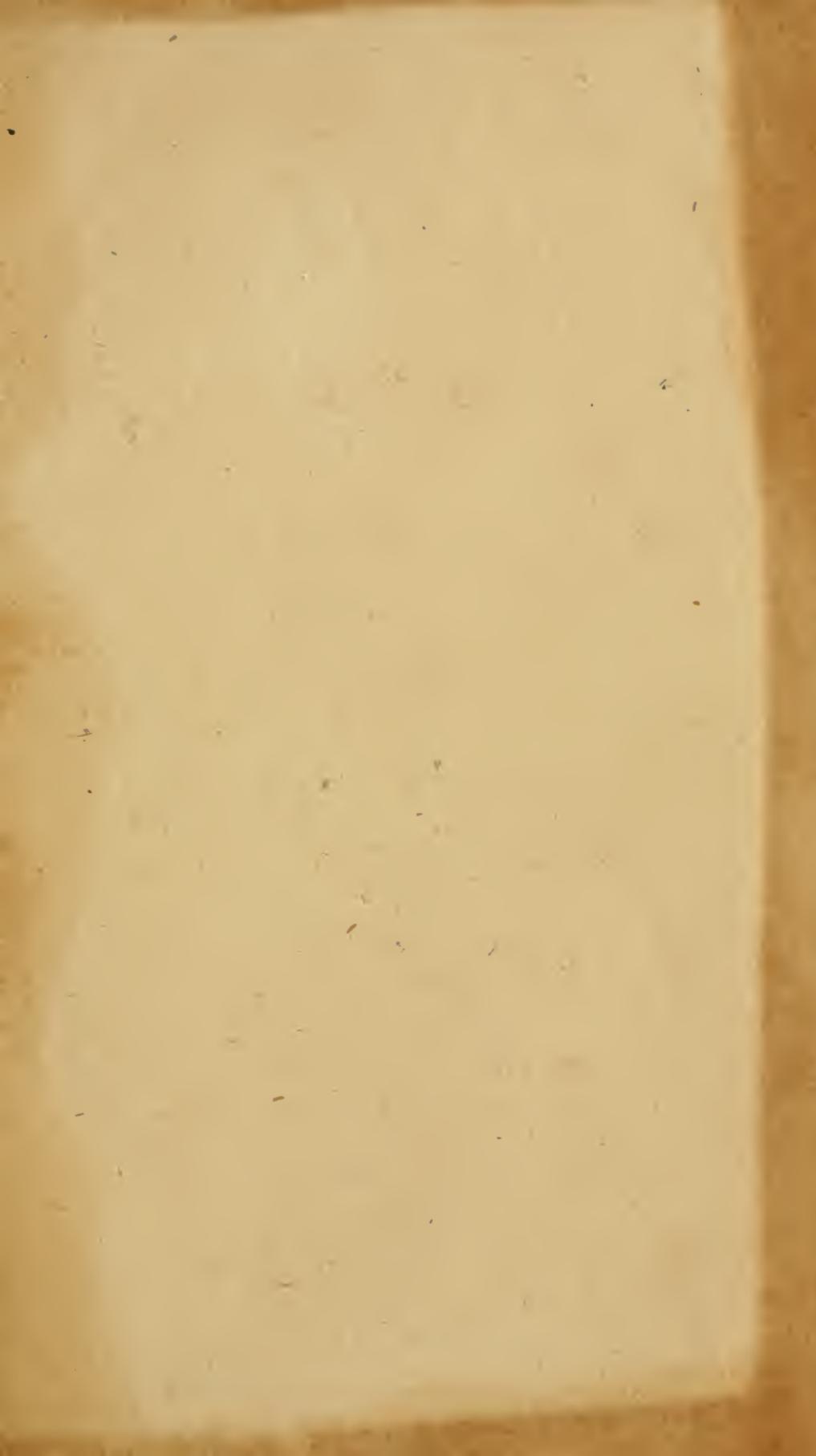


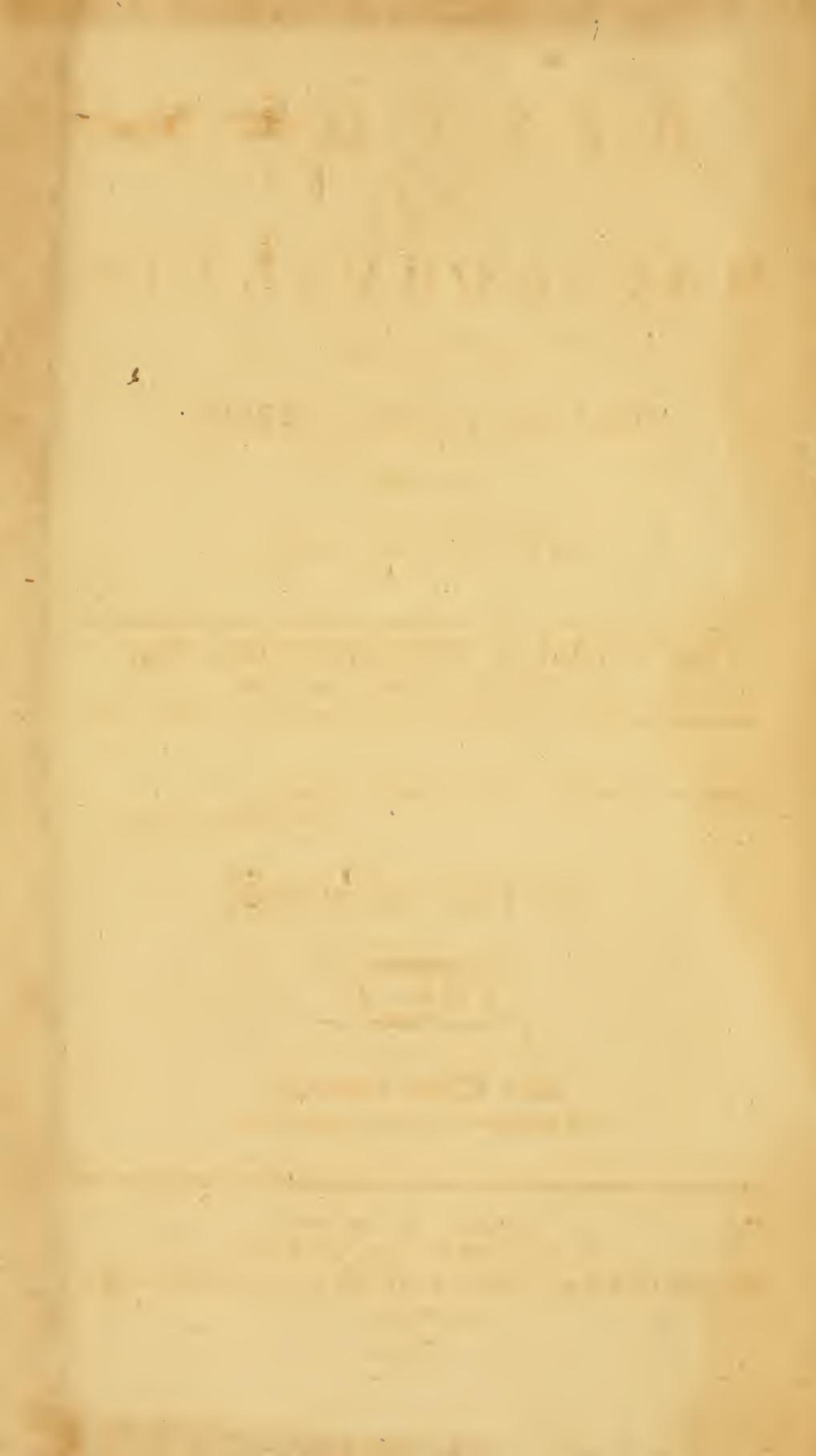
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THE
HISTORY
OF
MASSACHUSETTS,
FROM THE
FIRST SETTLEMENT THEREOF
IN 1628,
UNTIL THE YEAR 1750.



By THOMAS HUTCHINSON, Esq.
Late GOVERNOR of MASSACHUSETTS.

Historia, non ostentationi, sed fidei, veritatisque componitur.

Plin. Epist. L. 7. E. 33.

IN TWO VOLUMES.

VOL. II.

The Third Edition.
With additional NOTES and CORRECTIONS.

PRINTED AT BOSTON,
BY MANNING AND LORING,
For THOMAS and ANDREWS, No. 45, Newbury-Street, Boston.

1795.

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ЛУЧШИЕ ТОВАРЫ

P R E F A C E.

THE constitution and historical occurrences of the Colonies in America become, every day, more and more, subjects of speculation in Great Britain. To this I attribute the favourable reception given there to my History of the Colony of Massachusetts, which I intended merely for the benefit of my own countrymen, and to preserve among them the remembrance of facts but little interesting to the rest of the world.

The perusal of the materials from which I composed my work, especially the letters and papers of our first planters, afforded me a very sensible pleasure. We are fond of prolonging our lives to the utmost length. Going back to so familiar an acquaintance with those who have lived before us, approaches the nearest to it of any thing we are capable of, and is, in some sort, living with them. I was so pleased with their company, that the further enjoyment of the same kind of pleasure was inducement enough to collect and peruse materials for the History of the Province of Massachusetts from the year 1692, when we concluded the History of the Colony. I found that a little more time than the bare perusal required, would be sufficient to arrange the materials and reduce them

them to order, and I set about it with a view to render them of use to posterity. I had proceeded as far as the year 1730, when a misfortune befel me which had like to have rendered my past labour of no effect, and to have prevented me from proceeding any farther. The stamp-act had disturbed the minds of the people of America. In such a state of affairs, the vicious, the abandoned, have a peculiar opportunity of gratifying their corrupt affections of envy, malice and revenge. I had in public and private, in every way and manner which appeared to me the most prudent, endeavoured to shew the inexpediency of an act of parliament of this nature; but an unaccountable jealousy of the contrary had been infused into the minds of the populace, and, being thus misguided, they expressed their resentment and rage by breaking into my house, destroying and scattering all my furniture, books, papers, &c. The sober, virtuous part of the Province expressed the greatest detestation of this act of violence, and few or none ventured to justify or approve of it. The loss which I sustained, as far as it was repairable, by his majesty's most gracious recommendation to the Province and their generous grant in consequence of it, both which in this public manner I most gratefully acknowledge, has been repaired or compensated; but the loss of many papers and books, in print as well as manuscript, besides my family memorials, never can be repaired.

For several days, I had no hopes of recovering any considerable part of my History, but by the great care and pains of my good friend and neighbour, the reverend Mr. Eliot, who received into his house all my books and papers which were saved, the whole manuscript, except eight or ten sheets, were collected together, and although it had lain in the street scattered abroad several hours in the rain, yet so much of it was legible as that I was able to supply the rest and transcribe it. The most valuable materials were lost, some of which I designed to have published in the Appendix. I pray God to forgive the actors in and advisers to this most savage and inhuman injury, and I hope their posterity will read with pleasure and profit what has so narrowly escaped the outrage of their ancestors.

The hazard which attends such papers, together with the request of many of my friends, induced me to publish my manuscript sooner than I intended.

I have carried down the story to the year 1750, but that part which relates to the last twenty years in a more general way, being deprived of some papers which would have enabled me to render it more particular and circumstantial.

Some of my friends of the colony of New-Plymouth took it unkindly that I said no more of their affairs in the first part of my History. My principal object was the Massachusetts Colony; besides, I never could meet with many papers relative to

to Plymouth. From such papers as I have been able to obtain, I have prepared the best summary I could, to which I shall give a place in the Appendix.

I have endeavoured to avoid offence to any persons or families, as far as my obligations to truth would permit.

We shall never be all of one mind in our political principles. I desire no more candour from those who differ from me, than I ever have been, and ever shall be ready to shew to them.

THE
HISTORY
OF
MASSACHUSETTS.

CHAP. I.

From the Charter in 1691, until the arrival of Governor Dudley in 1702.

ABRIEF recapitulation of the rise and progress of the Massachusetts colony, may not be an improper introduction to this Second Part of our History.

The first planters of the Massachusetts colony removed to America, expecting there to enjoy civil and religious liberty in a greater degree than their fellow-subjects at that time enjoyed it in England. The country to which they removed, was claimed by the crown of England, by right of discovery. The property of a very large tract, in which Massachusetts is contained, had been granted to a certain corporation called the council of Plymouth in Devon. This council made a grant of Massachusetts to Sir Henry Roswell and others, who intended to send out planters and servants to be under the direction of the proprietors in England. An incorporation was thought necessary, and a charter was obtained from king Charles, which, some manuscripts say, cost the company two thousand pounds sterling.* The principal undertakers were Puritans. Planters and ministers, of the same persuasion, together with servants, cattle, and all necessaries

* "I paid 50l. and Mr. Eaton 100l. and sundry other merchants the same sums respectively for the purchase of the charter, we being members of the corporation for N. E." *John Davenport's lett. to John Cotton, N. Haven, 24. 4^m. 65.*

necessaries for beginning a colony, were sent over; the expense of which was very great. Subscriptions were slowly paid, and a cloud arose, very early, upon the affairs of the colony; but it was soon dispelled by a proposal from Johnson, Winthrop, and several other Puritans of good families and estates, to remove to America; provided they might carry the charter with them, and manage the affairs of the colony without any dependence upon such of the company as should remain in England. This, by some, was thought irregular; but, after consultation, it was agreed to. The removal of so many persons of character, induced a great number of others, of the same opinions, who were not of the company, to remove with or follow after them, and put themselves under their protection and government. They complained of the then reigning prince, that he deprived his subjects of their just rights, and had no regard to the great charter of the kingdom. What dependence then could rationally be placed upon a special charter to a small part of his subjects in America? They were soon convinced that it was an insufficient security. A circumstantial account of an attempt to vacate it the second year after their removal, we have in a letter to the governor from Emanuel Downing, father of Sir George Downing.*

In 1638, a formal demand was made of the surrender of their charter, which was refused, and other proceedings followed, which would have issued in a final decisive judgment carried into execution, and probably have proved fatal to the plantation, if the change of affairs in England had not prevented. Upon this change the colony became a favourite. The principal men were the intimate friends of the leading members of parliament, Pym, Hambden, &c. who had been engaged with them, and from time to time were expected to join them. Whilst Cromwell ruled, he shewed them all the indulgence they desired.

From 1640 to 1660 they approached very near to an independent commonwealth; and, during this period, completed

* This was a very sensible letter, and I intended to have printed it, but it was unfortunately destroyed.

completed a system of laws and government, the plan of which they had before laid and began to execute. In this they departed from their charter; and instead of making the laws of England the ground work of their code, they preferred the laws of Moses; and, notwithstanding the charter knew no representative body,* they established one; and, although it gave them no power to judge and determine capital offences, they gave this power to the judicatories they erected. This last provision became necessary, from their distance from the judicatories in England; but I know not how to excuse the persecution of all who could not conform to their religious establishments, when their charter granted toleration to all Christians, except Papists.

For the first thirty years, although the governor and assistants were annually chosen by the body of the people, yet they confined themselves to the principal gentlemen of family, estate, understanding and integrity; but, as one said, who lived at that time when king Charles commanded them to fill up their numbers in government, which they had neglected, the new persons empowered were *Dii minorum gentium*; and one of their divines told them in public, they were in danger of being undone by creeping statesmen.

Upon the restoration, not only Episcopalians, but Baptists, Quakers, Gortonists, &c.† preferred complaints against the colony; and although, by the interest of the earl of Manchester and lord Say, their old friends, and of secretary Morrice, all Puritans, king Charles confirmed their charter, yet he required a toleration in religion and an alteration in civil matters, neither of which were fully complied with. The heirs of Ferdinando Gorges and of John Mason also complained, that, by a liberal construction, Massachusetts had extended their bounds to comprehend the provinces of Maine and New Hampshire. Commissioners

* Douglass in his Summary, p. 409. 1st. part, speaks of representatives of townships in the old charter. He is erroneous.

† Several persons who have observed in the first volume a reference to a manuscript history of the trial of Mrs. Hutchinson, for her religious tenets, expressed their concern that it was not printed; we shall give it a place in the Appendix to this volume.

missioners were sent over in 1665, to settle the bounds of the colonies, and to make inquiry into their state in general. Massachusetts denied their authority, and pronounced the commission a violation of their charter.

Notwithstanding the acts of parliament for regulating and restraining the plantation trade, a constant trade was carried on with foreign countries for contraband and enumerated commodities. This gave great offence. There was no custom-house. The governor was the naval officer, with whom or his deputy all vessels entered and cleared. The governor, being annually elected by the people, was the more easily disposed to comply with popular opinions. It seems to have been a general opinion that acts of parliament had no other force than what they derived from acts made by the general court to establish or confirm them. This could not consist with the charter. By this, they could make no laws repugnant to the laws of England.* Had the corporation continued within the realm, as was intended, the company and every member must undoubtedly have been subject to the law of the land. Upon complaint made by Edward Randolph, who first came over in 1676, and by the repeated orders from the crown to conform to the acts of trade, they passed an act or law of the colony, declaring that those acts should be executed there. For several years, they were threatened with the loss of their charter. Randolph was unwearied in soliciting against them.† By repeated addresses and agencies, they endeavoured to exculpate themselves, but to no purpose. In 1684, by a judgment or decree in chancery, their charter was declared forfeited, and their liberties were seized into the king's hands ; and whatever opinions some had formed, that their

* This clause has been construed, by some, in another colony (Rhode Island) to intend the common law only, and not statutes, especially not such as were made after the date of their charter.

† Mr. Randolph had the principal share in bringing forward the quo warranto against the charter, which seems to have rendered him odious, more than the share he had in the succeeding administration as one of Sir Edmund's council. When he was imprisoned and applied for bail, the house of representatives, June 25, 1689, voted "That Mr. Edward Randolph is not bailable, he having broke a capital law of this colony in endeavouring and accomplishing the subversion of our government, and having been an evil counsellor."

their subjection depended upon mutual compact between the crown and the colony, they were forced to submit to superior power and to such form of government as king Charles the second, and his successor king James thought fit to establish. Upon the first advice of the landing of the prince of Orange, they re-assumed their charter, and earnestly solicited a re-establishment of it, with some necessary additional powers: but the king could not be prevailed upon to consent to it. A new charter was obtained; from the arrival of which, this second part of their history is to be carried on.

But before we proceed, it will be proper to observe the difference between the new and the old charter, with respect to the territory and to the powers of government. The new province contained the whole of the old colony, without any deduction or reserve; and to this were added the old colony of New Plymouth, the province of Main, the province of Nova Scotia, and all the country between the province of Main and Nova Scotia, as far northward as the river St. Lawrence, also Elizabeth islands, and the islands of Nantucket and Martha's Vineyard. A vast exposed frontier must bring heavy burthens upon a government. In the course of sixty years, the province of Massachusetts hath been at greater expense and hath lost more of its inhabitants than all the other colonies upon the continent taken together.

The two colonies of Massachusetts and New Plymouth were tolerably well peopled; but the province of Maine had never been stocked with inhabitants; and, just before the new incorporation, had been depopulated by the wars with French and Indians. The whole province of Nova Scotia was destitute of British inhabitants; and although there were several thousand French, who had been lately conquered, yet they were a burden, and there could be no dependence placed upon their fidelity. From the time of the conquest of Nova Scotia, the Massachusetts colony had considered the inhabitants as a part of the colony, and had given commissions and instructions to persons for the exercise of government there. All the lands between the province of Maine and Nova Scotia

were

were uninhabited, except at and near Pemaquid, where there were a few scattering English; and upon the principal rivers, the Penobscot, Machias and Norridgawock Indians had their wigwams. The bounds of this vast territory were understood, to be the river St. Lawrence on the north, the colonies of Rhode Island and Connecticut on the south, the Atlantic on the east, and the South Sea on the west; but within these limits lay the provinces of New Hampshire* and New York. In the controversies with several of the other governments, it has been urged against Massachusetts, that their western boundary could be extended no farther than where the line met with Rhode Island or Connecticut. The words in the charter are, "From the Atlantic towards the South Sea, or westward as far as the colonies of Rhode Island, Connecticut and the Narraganset country." The Massachusetts colony was the northern boundary of Rhode Island and Connecticut; it was impossible, therefore, the new province which contained the whole of the old colony should generally be bounded west upon either of those colonies: and it would be a strange construction, to suppose a corner of Rhode Island colony, which is but a few miles from the Atlantic, to be the utmost limits the province was to extend westward; for it could then contain but a very small part of the old colony of Massachusetts, whereas the whole is expressly included. The only sense the words can bear, undoubtedly is this, viz. that the province shall extend as far towards the South Sea or westward as Rhode Island or Connecticut do extend. Narraganset country, although it lies between Rhode Island and Connecticut, is mentioned after Connecticut, because it

was

* Whilst the event of Massachusetts, solicitations was uncertain, New Hampshire lay still. Samuel Allen, who claimed the soil by purchase from John Mason's heirs, was in expectation of a commission for the government also, and opposed the motion of the Massachusetts agent for including New Hampshire in the same charter with Massachusetts, &c. alleging that the inhabitants were averse to it. As soon as the tenor of the charter was known, addresses were sent over to Sir Henry Ashurst from the assembly of New Hampshire, and from the inhabitants in general, praying that his Majesty would annex them to Massachusetts government. Encouragement to hope for success was given by Lord Nottingham, but the king, however friendly to the liberties of the nation, was less disposed to enlarge the privileges of the colonists than some of his ministers. This plainly appeared to the Massachusetts agents. It was finally determined that New Hampshire should be under the same governor with Massachusetts, but not with the same privileges.

was then claimed by that colony, as within the bounds of their charter; and the Massachusetts agents favoured that claim, and considered it as an appendage to Connecticut.

The governor, under the old charter, although he carried great porte, (so does the doge of Venice) yet his share in the administration was little more than that of any one of the assistants. He had the power of calling the general court upon urgent occasions, so had the deputy governor or major part of the assistants, if the governor did not think fit to do it; but he could not adjourn, prorogue or dissolve the court; the vote of the major part of the whole court was necessary. He voted with the assistants, and if there was an equal vote, his vote was twice counted to make a casting vote. He gave commissions to civil and military officers, but this was merely a ministerial act, in which nothing was left to his discretion, all officers being elected by the general court. Under the new charter, there must be an annual meeting of the general court, on the last Wednesday in May; but the governor calls an assembly at any other times he thinks proper, and adjourns, prorogues and dissolves at pleasure. He has no vote in the legislature, and does not, or regularly should not, interest himself in matters in debate, in council, or in the house; but no act of government is valid without his consent. He has the appointment of all military officers, solely, and of all officers belonging to the courts of justice, with the consent of the council; other civil officers are elected by the two houses, and he has his negative; no money can issue out of the treasury but by his warrant, with the advice and consent of the council.

The assistants or counsellors, under the old charter, were annually elected by the votes of all the freemen of the colony; they were not only, with the governor, one of the two branches of legislature, but the supreme executive court in all civil and criminal causes, except in such cases where, by the laws, an appeal was allowed to the general court. The new charter provides, that upon the last Wednesday in May, annually, twenty-eight counsellors shall, by the

the general court or assembly, be newly chosen. At the first election, it was made a question, whether, by the general court or assembly, was intended the house of representatives only, or the whole three branches, and it is handed down to us, by tradition, that, after some time spent in messages and replies, the council of the former year gave up the point, and sent major Walley, one of their number, to acquaint the house with it; but when he came to the door he heard the speaker putting the question to the house, and finding they had conceded to the council, he returned without delivering his message; and a committee coming soon after from the house to bring up the vote, the council by this accident retained a privilege which they have been in the exercise of ever since;* and, no doubt, it is in a great measure owing to this, that any great change in the council has been rarely effected, even when there have been very warm altercations between the two houses the preceding year. It is very difficult to form a second branch of legislature, analogous to the second branch in the British constitution. The colonies are not ripe for hereditary honours, otherwife there seems no more room for exception to them there, than in Ireland. In the charter governments of Connecticut and Rhode Island, this branch is more dependent upon the people in general than the house of representatives; the first being elected by the freemen in general, the last by the freemen of their several towns; and there have been instances, in those colonies, where the representatives have had virtue enough to withstand popular prejudices when the council have not. In the royal governments, as they are called, the council can scarcely be considered as a distinct branch; frequently they receive their appointment from the recommendation of the governor; they are always liable to be suspended by him, and if it be without sufficient cause, the remoteness of the colonies from the place where redress is to be obtained, and the expence of soliciting it, are, very often, sufficient to discourage from applying for it. In Massachusetts, this branch is dependent both upon the governor and people; and

* It seems by the records that the governor voted this year with the council and house.

and we have seen, at different times, the influence of the one or the other over this branch, according to the degree of spirit and resolution which has respectively prevailed. We have seen instances also of counsellors, who have had fortitude enough to resist an undue influence from either, and who from year to year have had violent opposition to their election. We have seen so many good men members, that I may not give the epithet to this branch which is sometimes used for the small boroughs in England. But we have often seen, that the most likely way to secure a seat for many years is to be of no importance, and therefore it must be pronounced defective. Neither in Massachusetts, nor in the royal governments, do we meet with that glorious independence, which makes the house of lords the bulwark of the British constitution, and which has sometimes saved the liberties of the people from threatened encroachments, and at other times put a stop to advances making upon the royal prerogative.

The representatives, under the old charter, were elected by freemen only; under the new, every freeholder of forty shillings sterling a year is a voter, and so is every other inhabitant who has forty pounds sterling personal estate. The speaker of the house was at first elected and took his place without any notice to the governor; and for many years after the present charter, there was only the formality of notice, until disputes, upon other points with the governor, caused him to insist upon his right of negativing the speaker, which the house was obliged, after a long struggle, to submit to.

We find nothing in the new charter, of an ecclesiastical constitution. Liberty of conscience is granted to all, except Papists. The agent supposed, that the power given to the general court to make laws, was sufficient for supporting and encouraging such modes of worship, and such form of church government, as should be most agreeable to the inhabitants in general.* At the first session of the

general

* Religion is secured, for liberty is granted to all men to worship God after that manner, which, in their consciences, they shall be persuaded is the most scriptural way. The general court may, by laws, encourage and protect that religion which is the general profession of the inhabitants there. *Inc. Mather's account of his negotiations.*

general court, an act passed, establishing all the local laws of the Massachusetts province, until other provision should be made. By this law, the platform of church discipline, among the other laws, was established, but the law was disapproved in England. At the next session, by another law it was enacted, "that the respective churches, in the several towns within this province, shall at all times hereafter, use, exercise and enjoy all their privileges and freedoms respecting divine worship, church order and discipline, and shall be encouraged in the peaceable and regular profession and practice thereof." An attempt was soon made, to continue the practice of an appeal to the general court in controversies upon ecclesiastical matters. A great part of the church and inhabitants of Salem village, petitioned the general court to appoint an ecclesiastical council to settle a controversy with Mr. Paris, the minister, but the court refused. There have been instances of the general court's interposing, so far as to recommend an ecclesiastical council; and sometimes committees have been appointed by the court, for the sake of preserving or restoring peace, professing rather to advise than enjoin measures; but exceptions have generally been taken to such votes or orders of court, as irregular, and not consisting with the dignity of the supreme legislative authority of the province. Synods were occasionally called under the old charter. Some steps were taken for calling a synod about thirty years after the new charter arrived, but a royal instruction prevented any further progress.

If the first commissions from the crown to the governor of any colony, and the form of government prescribed by such commissions, are a precedent to be followed in all succeeding commissions, and a system of laws once approved by the crown cannot be repealed, (all which is contended for by the inhabitants of the royal governments) the charter to Massachusetts was not so great a boon as our forefathers generally imagined, the material difference in the constitutions being in the second branch, only, of the legislature;* but it is certain, that, at the time of granting the

* "The Massachusetts agents, considering that a naked restitution of their charter, in which so many of the necessary powers of government were omitted, would not serve

the charter, it was deemed a much greater security to the people for the enjoyment of the privileges granted by it, than they could have had merely from a royal temporary commission to a governor.

The distress of the people, at the time of the arrival of the charter, is represented to have been peculiarly great. The sea coast was infested with privateers, so that few vessels could escape them ; the inland frontiers, east and west, were continually harassed by French and Indian enemies ; a late expedition against Canada had exposed the province to the resentment of France, the effects of which were from time to time expected ; the same expedition brought so heavy a debt upon the government, that it required all the skill of the administration to support the public credit, and to procure farther supplies for carrying on the war ; a strong party in the government had opposed every other measure, except the adhering to the old charter, and was now dissatisfied with the acceptance of the new ; but the greatest misfortune was, an apprehension that the devil was let loose among them, that many had entered into a league with him, and others were afflicted, tormented, and the subjects of diabolical rage and fury. The minds of people in general were seized with gloom and horror. The greater part were credulous, and believed all they heard, and expected by and by their own turn ; the few, who believed the whole to be an imposture or delusion, were afraid to discover their sentiments, lest some who pretended to be bewitched should accuse them, and in such case there was no room to hope for favour.

Sir William Phips arrived at Boston with the charter, Saturday the 14th of May, 1692, towards evening. On Monday he was conducted from his house to the town-house, by the regiment of Boston, the military companies of Charlestown, the magistrates, ministers and principal gentlemen of Boston and the adjacent towns. The charter

was

serve their turn, put in their prayer for additional powers specially named, which being observed by the lords were set down in their report ; and upon the whole matter it was resolved, that their government should be in all points as in the other plantations, saving that once in a year they should have an election of their counsellors, who should make the upper house in all general assemblies." *M. S. letter 1694.*

was first published, then the governor's commission ;* and thereupon the venerable old charter governor Bradstreet resigned the chair ; I dare to say, not without a deep sigh from many of the spectators. After publishing the lieutenant governor's commission, and administering the oaths, the governor was conducted, with the same parade, to the place appointed for a public dinner, and from thence to his house again.† By the first ships, letters from the governor and council were sent to the archbishop of Canterbury, the earl of Nottingham, and the counts of Sunderland, Hugh Boscawen, John Hambden, and Francis Charlton, Esqrs. thankfully acknowledging the favour Mr. Mathew the agent had received from them, and the affection which they had discovered to the interest of their Majesties' subjects in the province. At the first general council for the appointment of sheriffs, justices and other civil officers, the governor either misconceived, or was prevailed upon to give up, the powers which belonged to him by charter, the council nominating or choosing the officers, and the governor giving his consent. This practice would have lessened the weight and influence of the governor. It was not suffered long to continue. After the vacating the colony laws under the old charter, by the publication of the new charter, there was room to question what was the rule of law in civil and criminal matters, and how far the common law and what statutes took place. The council, appointed by the charter,‡ were to continue until May,

1693,

* Sir William, by his commission, was appointed captain-general over the colonies of Connecticut and Rhode Island, and it is said went to the last named government soon after his arrival at Boston, in order to settle the militia there. He divided the colony into regiments, and a great number of military commissions were sent up to Col. Stanford, who was intended to be the chief military officer of the colony ; but there being no law of the colony to enjoin submission, no regard was paid to them by the people, and most of the officers refused to take the commissions. This probably was the reason the government there gave themselves but little concern. Mr. Dudley afterwards attempted to exercise the same authority with as little success.

† The ceremony was opened with prayer by Mr. Allen, a minister of Boston, and concluded in like manner by Mr. Morton, a minister of Charlestown. Some of the spirit of the old charter remained.

‡ The council appointed by the new charter were—*Simon Bradstreet, John Richards, Nathanael Saltonstall, Wait Winthrop, John Phillips, James Russell, Samuel Sewall, Samuel Appleton, Bartholomew Gedney, John Hawthorn, Elija Hutchinson, Robert Pike, Jonathan Curwin, John Joyliffe, Adam Winthrop, Richard Middlecot, John Foster, Peter Sergeant, Joseph Lynd, Samuel Hayman, Stephen Malon, Thomas Hinkley, William Bradford,*

1693, and so no special provision was made for a general assembly in May, 1692, but writs issued immediately upon the governor's arrival, and the court met the 8th of June, and an act passed, declaring that all the laws of the colony of Massachusetts and the colony of New Plymouth, not being repugnant to the laws of England nor inconsistent with the charter, should be in force, in the respective colonies, to the 10th of November, 1692, except where other provision should be made by act of assembly, and all justices of the peace (assistants, like aldermen of London, were, *ex officio*, justices under the old charter) had the same powers given to them, in the execution of

ford, John Walley, Barnabas Lotthrop, Job Alcot, Samuel Daniel, and Silvanus Davis. Those in *italic*, had been assistants in Massachusetts or Plymouth colonies. Bradstreet was an old senator, having been in constant service, except in Dudley's and Andros's administration, for 62 years. Richards, although he came into the country in low circumstances, (Randolph, in one of his letters, says he was a servant) yet became an opulent merchant in Boston, had been employed as agent with Dudley, but remained steady to what was called the country interest. Saltonstall was the grandson of Sir Richard, and the father of Gurdon Saltonstall, afterwards governor of Connecticut. He lived at Haverhill. Wait Winthrop was the son of the first governor of Connecticut and New Haven colonies united, and grandson of the first governor of Massachusetts. He was originally of Connecticut, and not long before removed to Boston, and was one of Andros's council. Phillips and Russel were both of Charlestown; the latter the son of Richard Russel, chosen assistant in 1659. Sewall was originally of Newbury, but had lived several years at Boston. Appleton, of Ipswich. Gedney and Hawthorn, of Salem; the latter, son of William Hawthorn, the first speaker upon record, and afterwards an assistant. Hutchinson was a merchant in Boston, son of Edward Hutchinson, who was killed by the Indians in 1675, and grandson to Mrs. Hutchinson, who was banished for her religious opinions. Pike was of Salisbury, a principal military officer there. Curwin, of Salem, esteemed, and connected with the principal families there. Joyliffe, of Boston, had been many years an active selectman and of primitive zeal. Adam Winthrop, (descended, by a younger son, from the first governor) had been very active in the revolution: he was of Boston, as was also Middlecot, who had a good estate in Warminster in England, where some of his posterity are now living. Foster was a merchant in Boston, of the first rank, who came not many years before from Ailsbury in England, but had a great share in the management of affairs from 1689 to 1692. Sergeant and Lynd were also of Boston. Hayman of the province of Maine. Mason was a merchant in London, a zealous man in the cause of New England, and I suppose his name was inserted in the charter from mere respect and gratitude, for he never came to New England. Hinkley had been many years governor of New Plymouth. Bradford was son to governor Bradford; and Walley and Lothrop were of good families in that colony. Alcot and Daniel, or Donnell, were of the province of Maine. Davis, of the country farther east or Sagadahoc; he had been commander of the fort at Casco, where he was taken prisoner and carried to Canada. However dry this account may appear to some readers, it may not be disagreeable to others, and perhaps may excite a laudable ambition in some of the descendants of the first magistrates to merit the honours of their ancestors; for although places and titles in the colonies are not hereditary, yet *ceteris paribus*, the descendants of such as have done worthily have some claim to be distinguished, “*nam si quis ab ineunte aetate habet causam celebritatis et nominis, aut à patre acceptam—in hunc oculi omnium conjiciuntur.*” *Cic. de Officiis.*

of laws, which magistrates used to have. The confusion the country was in from the supposed witchcrafts, seems to have occasioned an adjournment of the general court on the 2d of July, to the second Wednesday in October; very little public business having been done during the session.

The great noise which the New England witchcrafts made throughout the English dominions, proceeded more from the general panic with which all sorts of persons were seized, and an expectation that the contagion would spread to all parts of the country, than from the number of persons who were executed, more having been put to death in a single county in England, in a short space of time, than have suffered in all New England from the first settlement until the present time. Fifteen years had passed, before we find any mention of witchcraft among the English colonists. The Indians were supposed to be worshippers of the devil, and their powows to be wizards. The first suspicion of witchcraft among the English, was about the year 1645; at Springfield, upon Connecticut river, several persons were supposed to be under an evil hand, and among the rest two of the minister's children.* Great pains were taken to prove the facts upon several persons charged with the crime, but either the nature of the evidence was not satisfactory, or the fraud was suspected, and so no person was convicted until the year 1650; when a poor wretch, Mary Oliver, probably weary of her life from the general reputation of being a witch, after long examination was brought to confession of her guilt, but I do not find that she was executed. Whilst this inquiry was making, Margaret Jones was executed at Charlestown;† and Mr. Hale mentions a woman at Dorchester, and another at Cambridge about the same time, who all at their death asserted their innocence. Soon after, Hugh Parsons was tried at Springfield, and escaped death.† In 1655, Mrs. Hibbins, the assistant's widow, was hanged at Boston.‡ In 1662, at Hartford, in Connecticut, (about 30 miles from Springfield, upon the same river) one Ann Cole, a young woman who lived next door to a Dutch family,

* Johnson.

† Vol. I.

† Vol. I.

§ Vol. I.

family, and no doubt had learned something of the language, was supposed to be possessed with demons, who sometimes spake Dutch and sometimes English, and sometimes a language which no body understood, and who held a conference with one another. Several ministers, who were present, took down the conference in writing, and the names of several persons mentioned in the course of the conference, as actors or bearing parts in it; particularly a woman, then in prison upon suspicion of witchcraft, one Greensmith, who upon examination confessed, and appeared to be surprised at the discovery. She owned that she and the others named had been familiar with a demon, who had carnal knowledge of her,* and although she had not made a formal covenant, yet she had promised to be ready at his call, and was to have had a high frolic at Christmas, when the agreement was to have been signed. Upon this confession she was executed, and two more of the company were condemned at the same time.† In 1669, Susanna Martin, of Salisbury, was bound over to the court, upon suspicion of witchcraft, but escaped at that time.‡

In 1671, Elizabeth Knap, another *ventriloqua*, alarmed the people of Groton in much the same manner as Ann Cole had done those of Hartford; but her demon was not so cunning, for instead of confining himself to old women, he railed at the good minister of the town and other persons of good character, and the people could not then be prevailed on to believe him, but believed the girl, when she confessed she had been deluded, and that the devil had tormented her in the shape of good persons; and so she escaped the punishment due to her fraud and imposture.

In

* The Egyptians suppose a divine spirit may possibly approach a woman and produce in her the principles of generation; but on the other side, that it is impossible for man to have any such intercourse with a goddess. It is however altogether irrational, to believe that any god or demon is capable of a sensual love for human bodily form or beauty. *Plutarch's life of Numa.*

† Jan. 20, 1662, three witches were condemned at Hartford. Feb. 24. After one of the witches was hanged, the maid was well. *Goff: the regicide's diary.*

‡ She suffered death in 1692.

In 1673, Eunice Cole of Hampton was tried, and the jury found her not legally guilty, but that there were strong grounds to suspect her of familiarity with the devil.

In 1679, William Morse's house, at Newbury, was troubled with the throwing of bricks, stones, &c. and a boy of the family was supposed to be bewitched, who accused one of the neighbours; and in 1682, the house of George Walton, a Quaker, at Portsmouth, and another house at Salmon falls (both in New Hampshire) were attacked after the same manner.

In 1683, the demons removed to Connecticut river again, where one Desborough's house was molested by an invisible hand, and a fire kindled, no body knew how, which burnt up great part of his estate; and in 1684, Philip Smith, a judge of the court, a military officer, and a representative of the town of Hadley, upon the same river, (an hypocondriac person) fancied himself under an evil hand, and suspected a woman, one of his neighbours, and languished and pined away, and was generally supposed to be bewitched to death. While he lay ill, a number of brisk lads tried an experiment upon the old woman. Having dragged her out of her house, they hung her up until she was near dead, let her down, rolled her some time in the snow, and at last buried her in it, and there left her, but it happened that she survived, and the melancholy man died.

Notwithstanding these frequent instances of supposed witchcrafts, none had suffered for near thirty years, in the Massachusetts colony. The execution of the assistant or counsellor's widow in 1655, was disapproved of by many principal persons, and it is not unlikely that her death saved the lives of many other inferior persons. But in 1685, a very circumstantial account of all or most of the cases I have mentioned, was published, and many arguments were brought to convince the country that they were no delusions nor impostures, but the effects of a familiarity between the devil and such as he found fit for his instruments; and in 1687 or 1688, began a more alarming instance than any which had preceded it. Four of the children of John Goodwin, a grave man and a good

good liver at the north part of Boston, were generally believed to be bewitched. I have often heard persons who were of the neighbourhood speak of the great consternation it occasioned. The children were all remarkable for ingenuity of temper, had been religiously educated, and were thought to be without guile. The eldest was a girl of thirteen or fourteen years. She had charged a laundress with taking away some of the family linen. The mother of the laundress was one of the wild Irish, of bad character, and gave the girl harsh language; soon after which she fell into fits, which were said to have something diabolical in them. One of her sisters and two brothers followed her example, and, it is said, were tormented in the same part of their bodies at the same time, although kept in separate apartments, and ignorant of one another's complaints. One or two things were said to be very remarkable; all their complaints were in the day time, and they slept comfortably all night; they were struck dead at the sight of the assembly's catechism, Cotton's milk for babes, and some other good books, but could read in Oxford's jests, Popish and Quaker books, and the common prayer, without any difficulty. Is it possible the mind of man should be capable of such strong prejudices as that a suspicion of fraud should not immediately arise? But attachments to modes and forms in religion had such force, that some of these circumstances seem rather to have confirmed the credit of the children. Sometimes they would be deaf, then dumb, then blind; and sometimes all these disorders together would come upon them. Their tongues would be drawn down their throats, then pulled out upon their chins. Their jaws, necks, shoulders, elbows and all their joints would appear to be dislocated, and they would make most piteous outcries of burnings, of being cut with knives, beat, &c. and the marks of wounds were afterwards to be seen. The ministers of Boston and Charlestown kept a day of fasting and prayer at the troubled house; after which, the youngest child made no more complaints. The others persevered, and the magistrates then interposed, and the old woman was apprehended; but upon exam-

ination would neither confess nor deny, and appeared to be disordered in her sences. Upon the report of physicians that she was *compos mentis*, she was executed, declaring at her death the children should not be relieved. The eldest, after this, was taken into a minister's family, where at first she behaved orderly, but after some time suddenly fell into her fits. The account of her affliction is in print; some things are mentioned as extraordinary, which tumblers are every day taught to perform; others seem more than natural; but it was a time of great credulity. The children returned to their ordinary behaviour, lived to adult age, made profession of religion, and the affliction they had been under they publickly declared to be one motive to it. One of them I knew many years after. She had the character of a very sober virtuous woman, and never made any acknowledgment of fraud in this transaction. The printed account was published with a preface by Mr. Baxter, who says, "the evidence is so convincing, that he must be a very obdurate Sadducee who will not believe."* It obtained credit sufficient,

* In the year 1720, at Littleton, in the county of Middlesex, a family was supposed to be bewitched. One J. B. had three daughters, of 11, 9, and 5 years of age. The eldest was a forward girl, and having read and heard many strange stories, would surprise the company where she happened to be with her manner of relating them. Pleased with the applause, she went from stories she had heard, to some of her own framing, and so on to dreams and visions, and attained the art of swooning, and of being to all appearance for some time breathless. Upon her revival, she would tell of strange things she had met with in this and other worlds. When she met with the words, *God, Christ, the Holy Ghost*, in the bible, she would drop down with scarce any signs of life in her. Strange noises were often heard in and upon the house; stones came down the chimney and did great mischief. She complained of the spectre of Mrs. D——y, a woman living in the town; and once the mother of the girl struck at the place where the said D——y was, and the girl said, *You have struck her on the belly*, and upon inquiry it was found, that D——y complained of a hurt in her belly about that time. Another time, the mother struck at a place, where the girl said there was a yellow-bird, and she told her mother she had hit the side of its head; and it again appeared that D——y's head was hurt about the same time. It was common to find her in ponds of water, crying out she should be drowned; sometimes upon the top of the house, and sometimes upon the tops of trees, where she pretended she had flown; and some fancied they had seen her in the air. There were often the marks of blows and pinches upon her, which were supposed to come from an invisible hand.

The second daughter, after her sister had succeeded so well, imitated her, in complaints of D——y, and outdid her in feats of running upon the barn, climbing trees, &c. and, what was most surprising, the youngest attempted the same feats, and in some instances went beyond her sisters. The neighbours agreed they were under an evil hand, and it was pronounced a piece of witchcraft, as certain as that there ever had been any at Salem; and no great pains were taken to detect the imposture. Physicians had been at first employed, but to no purpose; and afterwards ministers were called

ficient, together with other preparatives, to dispose the whole country to be easily imposed upon by the more extensive and more tragical scene, which was presently after acted at Salem and other parts of the county of Essex. Not many years before, Glanvil published his witch stories in England ; Perkins and other Nonconformists were earlier ; but the great authority was that of Sir Matthew Hale, revered in New England, not only for his knowledge in the law, but for his gravity and piety. The trial of the witches in Suffolk was published in 1684. All these books were in New England, and the conformity between the behaviour of Goodwin's children and most of the supposed bewitched at Salem, and the behaviour of those in England, is so exact, as to leave no room to doubt the stories had been read by the New England persons themselves, or had been told to them by others who had read them. Indeed, this conformity, instead of giving suspicion, was urged in confirmation of the truth of both ; the Old England demons and the New being so much alike. The court justified themselves from books of law, and the authorities of Keble, Dalton and other lawyers, then of the first character, who lay down rules of conviction as absurd and dangerous as any which were practised in New England. The trial of Richard Hatheway, the impostor, before lord chief

called to pray over them, but without success. At length D——y, not long after the supposed blows, took to her bed, and after some time died, and the two eldest girls ceased complaining ; the youngest held out longer, but all persisted in it that there had been no fraud. The eldest, not having been baptized, and being come to adult age, desired and obtained baptism, and the minister then examined her upon her conduct in the affair, and she persisted in her declarations of innocence. In 1728, having removed to Medford, she offered to join the church there, and gave a satisfactory account of herself to the minister of the town ; but he knew nothing of the share she had in this transaction. The Lord's day before she was to be admitted, he happened to preach from this text, "*He that speaketh lies shall not escape.*" The woman supposed the sermon to be intended for her, and went to the minister, who told her nobody had made any objection against her ; but being determined to confess her guilt, she disclosed the fraud of herself and her sisters, and desired to make a public acknowledgment in the face of the church ; and accordingly did so. The two sisters, seeing her pitied, had become actors also with her, without being moved to it by her ; but when she saw them follow her, they all joined in the secret and acted in concert. They had no particular spite against D——y ; but it was necessary to accuse somebody, and the eldest having pitched upon her, the rest followed. The woman's complaints, about the same time the girl pretended she was struck, proceeded from other causes, which were not then properly inquired into. Once, at least, they were in great danger of being detected in their tricks ; but the grounds of suspicion were overlooked, through the indulgence and credulity of their parents. *M. S. of the Rev. Mr. Turell, minister of Medford.*

chief justice Holt, was ten or twelve years after. This was a great discouragement to prosecutions in England for witchcraft, but an effectual stop was not put to them until the act of parliament in the reign of his late Majesty.* Even this has not wholly cured the common people, and we hear of old women ducked and cruelly murdered within these last twenty years. Reproach, then, for hanging witches, although it has been often cast upon the people of New England by those of Old, yet it must have been done with an ill grace. The people of New England were of a grave cast, and had long been disposed to give a serious, solemn construction even to common events in providence; but in Old England, the reign of Charles the Second was as remarkable for gaiety as any whatsoever, and for scepticism and infidelity as any which preceded it.

Sir William Phips, the governor, upon his arrival, fell in with the opinion prevailing. Mr. Stoughton, the lieutenant-governor, upon whose judgment great stress was laid, had taken up this notion, that although the devil might appear in the shape of a guilty person, yet he would never be permitted to assume the shape of an innocent person.† This opinion, at first, was generally received.

Some

* I remember to have heard a gentleman, who in other respects was very sensible, express his surprise upon the first news of this act. The parliament, he said, had in effect declared that there were no evil spirits; he was afraid they would declare by another act that there are no good ones.

From 1694 to 1701, there were 11 persons tried for witches before lord chief justice Holt, all of whom were acquitted. In Scotland seven were executed for witches in 1697, upon the testimony of one girl about 11 years old.

† "A gentleman of more than ordinary understanding, learning and experience, desired me to write to New England about your trials and convictions of witches, not being satisfied with the evidence upon which some who have been executed were found guilty; he told me, that in the time of the great reformation parliament, a certain person or persons had a commission to discover and prosecute witches. Upon these prosecutions many were executed, in at least one county in England, until, at length, a gentleman of estate and of great character for piety was accused, which put an end to the commission, and the judges, upon a re-hearing, reversed many of the judgments; but many lives had been taken away. All that I speak with much wonder that any man, much less a man of such abilities, learning and experience as Mr. Stoughton, should take up a persuasion, that the devil cannot assume the likeness of an innocent, to afflict another person. In my opinion, it is a persuasion utterly destitute of any solid reason to render it so much as probable, and besides, contradictory to many instances of facts in history. If you think good, you may acquaint Mr. Stoughton and the other judges with what I write." *Letter from London to Inc. Mather, Jan. 9, 1692-3.*

I suppose the long parliament must be intended by the great reformation parliament, for in 1644, 1645 and 1646, one Matthew Hopkins went from place to place

Some of the most religious women who were accused, when they saw the appearance of distress and torture in their accusers, and heard their solemn declarations, that they saw the shapes or spectres of the accused afflicting them, persuaded themselves they were witches, and that the devil, somehow or other, although they could not remember how or when, had taken possession of their evil hearts, and obtained some sort of assent to his afflicting in their shapes ; and thereupon they thought they might be justified in confessing themselves guilty.

It seems, at this day, with some people, perhaps but few, to be the question, whether the accused or the afflicted were under a preternatural or diabolical possession, rather than whether the afflicted were under bodily distempers, or altogether guilty of fraud and imposture. As many of the original examinations have fallen into my hands, it may be of service to represent this affair in a more full and impartial light than it has yet appeared to the world.

In February 1691-2, a daughter and a niece of Mr. Paris, the minister of Salem* village, girls of ten or eleven years of age, and two other girls in the neighbourhood, made the same sort of complaints as Goodwin's children had made two or three years before. The physicians, having no other way of accounting for the disorder, pronounced them bewitched. An Indian woman, who was brought into the country from New Spain, and

then

to find out witches. Mr. Baxter says a great number were hanged by his discovery, and that Mr. Calamy went along with the judges to hear the confessions, and to see that there was no fraud or wrong done. Hopkins searched for teats, set some upon stools or tables crofs-legged, and kept them twenty four hours without meat or drink, within which time it was said their imps would come and suck ; others he tried by swimming them, and at length raised the indignation of certain gentlemen, who caused him to be seized, and his hands and feet being tied, to be thrown into the water, where, fortunately for him, he was proved to be a witch or wizard himself, by his swimming or floating upon the water. The country was cleared of him, and some lamented that the experiment had not been made sooner.

* Douglass in his summary says, " In Salem and its neighbourhood, enthusiasm and other nervous disorders seem to be endemic ; it was the seat of the New England witchcraft, anno 1692." I question whether he had any other foundation for this remark than merely this scene of witchcraft, which must be considered as the distemper of the country in general, rather than of any particular town or county ; and had Mr. Paris's family lived in any other part of the province, perhaps the neighbourhood would have been as much infected ; and no impression ought to be made to the disadvantage of a town the most ancient, and at this day the second in rank within the province, and upon other accounts justly respectable.

then lived with Mr. Paris, tried some experiments which she pretended to be used to in her own country, in order to find out the witch. This coming to the children's knowledge, they cried out upon the poor Indian, as appearing to them, pinching, pricking and tormenting them ; and fell into fits. Tituba, the Indian, acknowledged that she had learned how to find out a witch, but denied that she was one herself. Several private fasts were kept at the minister's house, and several, more public, by the whole village, and then a general fast through the colony, to seek to God to rebuke Satan, &c. So much notice taken of the children, together with the pity and compassion expressed by those who visited them, not only tended to confirm them in their design, but to draw others into the like. Accordingly, the number of the complainants soon increased, and among them there were two or three women, and some girls old enough for witnesses. These had their fits too, and when in them cried out, not only against Tituba, but against Sarah Osburn, a melancholy distracted old woman, and Sarah Good, another old woman who was bed-rid. Tituba, at length, confessed herself a witch, and that the two old women were her confederates ; and they were all committed to prison ; and Tituba, upon search, was found to have scars upon her back which were called the devil's mark, but might as well have been supposed those of her Spanish master. This commitment was on the 1st of March. About three weeks after, two other women, of good characters and church members, Corey and Nurse, were complained of and brought upon their examination ; when these children fell into fits, and the mother of one of them, and wife of Thomas Putman, joined with the children and complained of Nurse as tormenting her ; and made most terrible shrieks, to the amazement of all the neighbourhood. The old women denied every thing ; but were sent to prison : and such was the infatuation, that a child of Sarah Good, about four or five years old, was committed also, being charged with biting some of the afflicted who shewed the print of small teeth on their arms. On April 3d, Mr. Paris took for his text,

" Have

“Have not I chosen you twelve, and one of you is a devil?”
 Sarah Cloyse, supposing it to be occasioned by Nurse's case, who was her sister, went out of meeting. She was presently after complained of for a witch, examined and committed. Elizabeth Procter was charged about the same time.—Her husband, as every good husband would have done, accompanied her to her examination, but it cost the poor man his life. Some of the afflicted cried out upon him also, and they were both committed to prison.

Instead of suspecting and sifting the witnesses, and suffering them to be cross-examined, the authority, to say no more, were imprudent in making use of leading questions, and thereby putting words into their mouths or suffering others to do it. Mr. Paris was over officious; most of the examinations, although in the presence of one or more of the magistrates, were taken by him. The following examinations of several of the accused, may serve as specimens, they being generally made in the same manner.

“AT a court held at Salem, 11th April, 1692, by the honourable Thomas Danforth, deputy governor. Q. John,* who hurt you? A. Goody Procter first, and then Goody Cloyse. Q. What did she do to you? A. She brought the book to me. Q. John! tell the truth, who hurts you? Have you been hurt? A. The first was a gentlewoman I saw. Q. Who next? A. Goody Cloyse. Q. But who hurt you next? A. Goody Procter. Q. What did she do to you? A. She choaked me, and brought the book. Q. How oft did she come to torment you? A. A good many times, she and Goody Cloyse. Q. Do they come to you in the night as well as the day? A. They come most in the day. Q. Who? A. Goody Cloyse and Goody Procter. Q. Where did she take hold of you? A. Upon my throat, to stop my breath. Q. Do you know Goody Cloyse and Goody Procter? A. Yes, here is Goody Cloyse. (Cloyse) When did I hurt thee? A. A great many times. (Cloyse) Oh! you are a grievous liar. Q. What did this Goody Cloyse do to you? A. She pinched and bit me till the blood came. Q. How long since.

* This was Tituba's husband, who seems to have been a cunning fellow, and to avoid being accused joined with the afflicted.

since this woman came and hurt you? A. Yesterday at meeting. Q. At any time before? A. Yes, a great many times. Q. Mary Walcot! who hurts you? A. Goody Cloyse. Q. What did she do to you? A. She hurt me. Q. Did she bring the book? A. Yes. Q. What was you to do with it? A. To touch it, and be well.—Then she fell into a fit. Q. Doth she come alone? A. Sometimes alone, and sometimes in company with Goody Nurse and Goody Corey, and a great many I do not know.—Then she fell into a fit again. Q. Abigail Williams! did you see a company at Mr. Paris's house eat and drink? A. Yes Sir, that was ~~their~~ their sacrament. Q. How many were there? A. About forty, and Goody Cloyse and Goody Good were their deacons. Q. What was it? A. They said it was our blood, and they had it twice that day. Q. Mary Walcot! have you seen a white man? A. Yes Sir, a great many times. Q. What sort of a man was he? A. A fine grave man, and when he came, he made all the witches to tremble. Abigail Williams confirmed the same, and that they had such a sight at deacon Ingersoll's. Q. Who was at deacon Ingerfoll's then? A. Goody Cloyse, Goody Nurse, Goody Corey, and Goody Good. Then Sarah Cloyse asked for water, and sat down as one seized with a dying fainting fit; and several of the afflicted fell into fits, and some of them cried out, Oh! her spirit is gone to prison to her sister Nurse. Q. Elizabeth Procter! you understand whereof you are charged, viz. to be guilty of sundry acts of witchcraft; what say you to it? Speak the truth, and so you that are afflicted, you must speak the truth, as you will answer it before God another day. Mary Walcot! doth this woman hurt you? A. I never saw her so as to be hurt by her. Q. Mary Lewis! does she hurt you?—Her mouth was stopped. Q. Ann Putman! does she hurt you?—She could not speak. Q. Abigail Williams! does she hurt you?—Her hand was thrust in her own mouth. Q. John! does she hurt you? A. This is the woman that came in her shift and choaked me. Q. Did she ever bring the book? A. Yes Sir. Q. What to do? A. To write. Q. What, this woman? A. Yes Sir. Q. Are you sure of it? A. Yes

A. Yes Sir. Again, Abigail Williams and Ann Putman were spoke to by the court, but neither of them could make any answer, by reason of dumbness or other fits. Q. What do you say, Goody Procter, to these things? A. I take God in heaven to be my witness, that I know nothing of it, no more than the child unborn. Q. Ann Putman! doth this woman hurt you? A. Yes Sir, a great many times.—Then the accused looked upon them and they fell into fits. Q. She does not bring the book to you, does she? A. Yes Sir, often, and saith she hath made her maid set her hand to it. Q. Abigail Williams! does this woman hurt you? A. Yes Sir, often. Q. Does she bring the book to you? A. Yes. Q. What would she have you do with it? A. To write in it and I shall be well. Did not you, said Abigail, tell me, that your maid had written? (Procter) Dear child, it is not so. There is another judgment, dear child.—Then Abigail and Ann had fits. By-and-by they cried out, Look you, there is Goody Procter upon the beam. By-and-by both of them cried out of Goodman Procter himself, and said he was a wizard. Immediately many, if not all of the bewitched had grievous fits. Q. Ann Putman! who hurt you? A. Goodman Procter and his wife too. Afterwards, some of the afflicted cried, There is Procter going to take up Mrs. Pope's feet; and her feet were immediately taken up. Q. What do you say, Goodman Procter, to these things? A. I know not. I am innocent. Abigail Williams cried out, There is Goodman Procter going to Mrs. Pope, and immediately said Pope fell into a fit. You see the devil will deceive you; the children could see what you was going to do before the woman was hurt. I would advise you to repentance, for the devil is bringing you out. Abigail Williams cried out again, There is Goodman Procter going to hurt Goody Bibber; and immediately Goody Bibber fell into a fit. There was the like of Mary Walcot, and divers others. Benjamin Gould gave in his testimony, that he had seen Goodman Corey and his wife, Procter and his wife, Goody Cloyse, Goody Nurse, and Goody Griggs in his chamber last Thursday night. Elizabeth Hubbard was in

in a trance during the whole examination. During the examination of Elizabeth Procter, Abigail Williams and Ann Putman both made offer to strike at said Procter ; but when Abigail's hand came near, it opened, whereas it was made up into a fist before, and came down exceeding lightly, as it drew near to said Procter, and at length with open and extended fingers touched Procter's hood very lightly. Immediately Abigail cried out, her fingers, her fingers, her fingers burned, and Ann Putman took on most grievously, of her head, and sunk down."

"Salem, April 11th, 1692. Mr. Samuel Paris was desired by the honourable Thomas Danforth, deputy governor, and the council, to take in writing the aforesaid examinations, and accordingly took and delivered them in ; and upon hearing the same, and seeing what was then seen, together with the charge of the afflicted persons, were by the advice of the council all committed by us.

John Hawthorne, } Assistants.
John Corwin, }

No wonder the whole country was in a consternation, when persons of sober lives and unblemished characters were committed to prison upon such sort of evidence. Nobody was safe. The most effectual way to prevent an accusation was to become an accuser ; and accordingly the number of the afflicted increased every day, and the number of the accused in proportion, who in general persisted in their innocence ; but, being strongly urged to give glory to God by their confession, and intimation being given that this was the only way to save their lives, and their friends urging them to it, some were brought to own their guilt. The first confession upon the files is of Deliverance Hobbs, May 11th, 1692, being in prison. She owned every thing she was required to do. The confessions multiplied the witches ; new companions were always mentioned, who were immediately sent for and examined. Thus more than an hundred women, many of them of fair characters and of the most reputable families, in the towns of Salem, Beverly, Andover, Billerica, &c. were apprehended, examined, and generally committed

committed to prison. The confessions being much of the same tenor, one or two may serve for specimens.

“The examination and confession (8th Sept. 1692) of Mary Osgood, wife of Capt. Osgood, of Andover, taken before John Hawthorne and other their Majesties’ justices.

SHE confesses, that about eleven years ago, when she was in a melancholy state and condition, she used to walk abroad in her orchard; and upon a certain time she saw the appearance of a cat, at the end of the house, which yet she thought was a real cat. However, at that time, it diverted her from praying to God, and instead thereof she prayed to the devil; about which time she made a covenant with the devil, who, as a black man, came to her and presented her a book, upon which she laid her finger and that left a red spot: and that upon her signing, the devil told her he was her god, and that she should serve and worship him, and she believes she consented to it. She says further, that about two years agone, she was carried through the air, in company with deacon Frye’s wife, Ebenezer Baker’s wife, and Goody Tyler, to five-mile pond, where she was baptized by the devil, who dipped her face in the water, and made her renounce her former baptism, and told her she must be his, soul and body, forever, and that she must serve him, which she promised to do. She says, the renouncing her first baptism was after her dipping, and that she was transported back again through the air, in company with the forenamed persons, in the same manner as she went, and believes they were carried upon a pole. Q. How many persons were upon the pole? A. As I said before, viz. four persons and no more but whom she had named above. She confesses she has afflicted three persons, John Sawdy, Martha Sprague and Rose Foster, and that she did it by pinching her bed clothes, and giving consent the devil should do it in her shape, and that the devil could not do it without her consent. She confesses the afflicting persons in the court, by the glance of her eye. She says, as she was coming down to Salem to be examined, she and the rest of the company with her stopped at Mr. Phillips’s to refresh themselves, and the afflicted persons, being

ing behind them upon the road, came up just as she was mounting again, and were then afflicted, and cried out upon her, so that she was forced to stay until they were all past, and said she only looked that way towards them. Q. Do you know the devil can take the shape of an innocent person and afflict? A. I believe he cannot. Q. Who taught you this way of witchcraft? A. Satan, and that he promised her abundance of satisfaction and quietness in her future state, but never performed any thing; and that she has lived more miserably and more discontented since than ever before. She confesses further, that she herself, in company with Goody Parker, Goody Tyler and Goody Dean, had a meeting at Moses Tyler's house, last Monday night, to afflict, and that she and Goody Dean carried the shape of Mr. Dean, the minister, between them, to make persons believe that Mr. Dean afflicted. Q. What hindered you from accomplishing what you intended? A. The Lord would not suffer it so to be, that the devil should afflict in an innocent person's shape. Q. Have you been at any other witch meetings? A. I know nothing thereof, as I shall answer in the presence of God and his people; but said, that the black man stood before her, and told her, that what she had confessed was a lie; notwithstanding, she said that what she had confessed was true, and there-to put her hand. Her husband being present was asked, if he judged his wife to be any way discomposed. He an-swered, that having lived with her so long, he doth not judge her to be any ways discomposed, but has cause to believe what she has said is true. When Mistress Osgood was first called, she afflicted Martha Sprague and Rose Foster by the glance of her eyes, and recovered them out of their fits by the touch of her hand. Mary Lacey and Betty Johnson and Hannah Post saw Mistress Osgood afflict Sprague and Foster. The said Hannah Post and Mary Lacey and Betty Johnson, jun. and Rose Foster and Mary Richardson were afflicted by Mistress Osgood, in the time of their examination, and recovered by her touch-ing of their hands.

“ I underwritten; being appointed by authority to take this examination, do testify upon oath, taken in court, that this

this is a true copy of the substance of it, to the best of my knowledge, 5th Jan. 1692-3. The within Mary Osgood was examined before their Majesties' justices of the peace in Salem. Attest. *John Higginson, Just. Pac.*"

A miserable negro woman, charged by some of the girls with afflicting them, confessed, but was cunning enough to bring the greatest share of the guilt upon her mistress.

" Salem, Monday, July 4, 1692. *The examination of Candy, a negro woman, before Bartholomew Gedney and John Hawthorne, Esq'rs. Mr. Nicholas Noyes also present.*

" Q. CANDY ! are you a witch ? A. Candy no witch in her country. Candy's mother no witch. Candy no witch, Barbados. This country, mistress give Candy witch. Q. Did your mistress make you a witch in this country ? A. Yes, in this country mistress give Candy witch. Q. What did your mistress do to make you a witch ? A. Mistress bring book and pen and ink, make Candy write in it. Q. What did you write in it ?—She took a pen and ink, and upon a book or paper made a mark. Q. How did you afflict or hurt these folks, where are the puppets you did it with ?—She asked to go out of the room and she would shew or tell ; upon which she had liberty, one going with her, and she presently brought in two clouts, one with two knots tied in it, the other one ; which being seen by Mary Warren, Deliverance Hobbs and Abigail Hobbs, they were greatly affrighted, and fell into violent fits ; and all of them said that the black man and Mrs. Hawkes and the negro stood by the puppets or rags and pinched them, and then they were afflicted, and when the knots were untied yet they continued as aforesaid. A bit of one of the rags being set on fire, the afflicted all said they were burned, and cried out dreadfully. The rags being put into water, two of the aforesaid persons were in dreadful fits almost choaked, and the other was violently running down to the river, but was stopped.

Attest. *John Hawthorne, Just. Peace.*"

Mrs. Hawkes, the mistress, had no other way to save her life but to confess also.

Mr. Hale, the minister of Beverly, who has the character of an impartial relator, acknowledges that the confessors

fors generally went off from their confessions ; some saying they remembered nothing of what they had said, others that they had belied themselves, &c. but he thinks, if the times had been calm, the condition of the confessors might have called for a *melius inquirendum* ; and thinks it remarkable that children and grandchildren should confirm their parents' and grandparents' confession, instancing in the case of Goody Foster, her daughter Mary Lacey, and grand daughter Mary Lacey, jun. and that other children should accuse their own parents, as in the case of Richard Carrier, a lad of eighteen years of age. These confessions are preserved, and a few extracts from them will shew they were forced from them, through fear of losing their lives if they refused ; and their fear, in some, was so great as to disorder their brains, and they scarce knew what they said.

“ 21st July, 1692. Before Major Gidney, Mr. Hawthorne, Mr. Corwin and Capt. Higginson.

“ Q. GOODY Foster ! you remember we have three times spoken with you, and do you now remember what you then confessed to us ? You have been engaged in very great wickedness, and some have been left to hardness of heart to deny ; but it seems that God will give you more favour than others, inasmuch as you relent. But your daughter here hath confessed some things that you did not tell us of. Your daughter was with you and Goody Carrier, when you did ride upon the stick. A. I did not know it. Q. How long have you known your daughter to be engaged ? A. I cannot tell, nor have I any knowledge of it at all. Q. Did you see your daughter at the meeting ? A. No. Q. Your daughter said she was at the witches meeting, and that you yourself stood at a distance off and did not partake at that meeting ; and you said so also ; give us a relation from the beginning until now. A. I know none of their names that were there, but only Goody Carrier. Q. Would you know their faces if you saw them ? A. I cannot tell. Q. Were there not two companies in the field at the same time ? A. I remember no more. Mary Warren, one of the afflicted, said that Goody Carrier's shape told her, that Goody Foster had made

made her daughter a witch.—Q. Do not you acknowledge that you did so about thirteen years ago? A. No, and I know no more of my daughter's being a witch than what day I shall die upon. Q. Are you willing your daughter should make a full and free confession? A. Yes. Q. Are you willing to do so too? A. Yes. Q. You cannot expect peace of conscience without a free confession. A. If I knew any thing more, I would speak it to the utmost. Goody Lacey, the daughter, called in, began thus; Oh! mother! how do you do? We have left Christ, and the devil hath gat hold of us. How shall I get rid of this evil one? I desire God to break my rocky heart that I may get the victory this time. Q. Goody Foster! you cannot get rid of this snare, your heart and mouth is not open. A. I did not see the devil, I was praying to the Lord. Q. What Lord? A. To God. Q. What God do witches pray to? A. I cannot tell, the Lord help me. Q. Goody Lacey! had you no discourse with your mother when riding? A. No, I think I had not a word. Q. Who rid foremost on that stick to the village? A. I suppose my mother. Goody Foster said, that Goody Carrier was foremost. Q. Goody Lacey! how many years ago since they were baptized? A. Three or four years ago, I suppose. Q. Who baptized them? A. The old serpent. Q. How did he do it? A. He dipped their heads in the water, saying, they were his, and that he had power over them. Q. Where was this? A. At Fall's river. Q. How many were baptized that day? A. Some of the chief; I think there were six baptized. Q. Name them. A. I think they were of the higher powers.* Mary Lacey, the grand-daughter, was brought in, and Mary Warren fell into a violent fit. Q. How dare you come in here, and bring the devil with you, to afflict these poor creatures? Lacey laid her hand on Warren's arm, and she recovered from her fit. Q. You are here accused of practising witchcraft upon Goody Ballard; which way do you do it? A. I cannot tell. Where is my mother that made me a witch, and I knew it not? Q. Can you look upon that maid, Mary Warren, and not hurt her?

* It was time to stop.

her? Look upon her in a friendly way. She, trying so to do, struck her down with her eyes. Q. Do you acknowledge now you are a witch? A. Yes. Q. How long have you been a witch? A. Not above a week. Q. Did the devil appear to you? A. Yes. Q. In what shape? A. In the shape of a horse. Q. What did he say to you? A. He bid me not to be afraid of any thing, and he would not bring me out, but he has proved a liar from the beginning. Q. When was this? A. I know not; above a week. Q. Did you set your hand to the book? A. No. Q. Did he bid you worship him? A. Yes; he bid me also afflict persons. You are now in the way to obtain mercy if you will confess and repent. She said, The Lord help me. Q. Do not you desire to be saved by Christ? A. Yes. Then you must confess freely what you know in this matter. She then proceeded. I was in bed, and the devil came to me, and bid me obey him and I should want for nothing, and he would not bring me out. Q. But how long ago? A. A little more than a year. Q. Was that the first time? A. Yes. Q. How long was you gone from your father, when you ran away? A. Two days. Q. Where had you your food? A. At John Stone's. Q. Did the devil appear to you then, when you was abroad? A. No, but he put such thoughts in my mind as not to obey my parents. Q. Who did the devil bid you afflict? A. Timothy Swan. Richard Carrier comes often a-nights and has me to afflict persons. Q. Where do ye go? A. To Goody Ballard's sometimes. Q. How many of you were there at a time? A. Richard Carrier and his mother, and my mother and grandmother. Upon reading over the confession so far, Goody Lacey, the mother, owned this last particular. Q. How many more witches are there in Andover? A. I know no more, but Richard Carrier."

Carrier, at first, denied all, but was followed until he was brought to accuse his mother, much in the same manner with Foster's daughter and grand-daughter.

It is urged by the writers of that day, as a principal part of the evidence against Mr. Burroughs, the minister, that seven or eight of the confessors witnessed against him.

him. It will appear from the examinations, that the confession was drawn from the examinants by the court.

“Q. Mary Lacey! was there not a man also among you at your meeting? A. None but the devil. Q. What shape was the devil in then? A. He was a black man, and had a high-crowned hat. Q. Your mother and your grandmother say, there was a minister there. How many men did you see there? A. I saw none but Richard Carrier. Q. Did you see none else? A. There was a minister there, and I think he is now in prison. Q. Were there not two* ministers there? A. Cannot tell. Q. Was there not one Mr. Burroughs there? A. Yes.”

Carrier’s examination is in this manner; the questions are omitted. “We met in a green which was the minister’s pasture—We were in two companies at last—I think there was a few men with them—I heard Sarah Good talk of a minister or two—One of them was he that has been at the eastward, his name is Burroughs, and is a little man. I remember not the other’s name.”

Margaret Jacobs had been brought to accuse herself, and then to charge Burroughs, the minister, and her own grandfather; but, struck with horror, chose to lose her own life rather than persist in her confession; and begged forgiveness of Burroughs before his execution, who is said to have freely forgiven her; and recanted all she had said against her grandfather, but in vain as to his life. Her own life was saved by a disorder in her head, which prevented her trial at the first court; but before the next court, she made a formal recantation of all she had confessed, and delivered it to the judges.

“*The*

* Mr. Deane, one of the ministers of Andover, then near fourscore, seems to have been in danger. He is tenderly touched in several of the examinations, which might be owing to a fair character, and he may be one of the persons accused, who caused a discouragement to further prosecutions. “Deliverance Deane being asked why she and the rest brought in Mr. Deane as afflicting persons, she answered, it was Satan’s subtlety, for he told her he would put a sham upon all these things, and make people believe that he did afflict. She said Mrs. Osgood and she gave their consent the devil should bring Mr. Deane’s shape to afflict. Being asked again if Mrs. Osgood and she acted this business, she said yes.” Mr. Deane was much beholden to this woman.

“The humble declaration of Margaret Jacobs unto the honoured court now sitting at Salem, sheweth,

“ THAT whereas your poor and humble declarant being closely confined here in Salem gaol for the crime of witchcraft, which crime, thanks be to the Lord, I am altogether ignorant of, as will appear at the great day of judgment. May it please the honoured court, I was cried out upon by some of the possessed persons, as afflicting them ; whereupon I was brought to my examination, which persons at the sight of me fell down, which did very much startle and affright me. The Lord above knows I knew nothing, in the least measure, how or who afflicted them ; they told me, without doubt I did, or else they would not fall down at me ; they told me if I would not confess, I should be put down into the dungeon and would be hanged, but if I would confess I should have my life ; the which did so affright me, with my own vile wicked heart, to save my life made me make the like confession I did, which confession, may it please the honoured court, is altogether false and untrue. The very first night after I had made confession, I was in such horror of conscience that I could not sleep, for fear the devil should carry me away for telling such horrid lies. I was, may it please the honoured court, sworn to my confession, as I understand since, but then, at that time, was ignorant of it, not knowing what an oath did mean. The Lord, I hope, in whom I trust, out of the abundance of his mercy, will forgive me my false forswearing myself. What I said was altogether false, against my grandfather, and Mr. Burroughs, which I did to save my life and to have my liberty ; but the Lord, charging it to my conscience, made me in so much horror, that I could not contain myself before I had denied my confession, which I did, though I saw nothing but death before me, choosing rather death with a quiet conscience, than to live in such horror, which I could not suffer. Where, upon my denying my confession, I was committed to close prison, where I have enjoyed more felicity in spirit a thousand times than I did before in my enlargement.

“ And

“ And now, may it please your honours, your declarant having, in part, given your honours a description of my condition, do leave it to your honours pious and judicious dispositions to take pity and compassion on my young and tender years ; to act and do with me as the Lord above and your honours shall see good, having no friend but the Lord to plead my cause for me ; not being guilty in the least measure of the crime of witchcraft, nor any other sin that deserves death from man ; and your poor and humble declarant shall forever pray, as she is bound in duty, for your honours happiness in this life, and eternal felicity in the world to come. So prays your honours declarant.

Margaret Jacobs.”

The recantation of several persons in Andover will shew in what manner they were brought to their confessions.

“ WE whose names are underwritten, inhabitants of Andover ; wheras that horrible and tremendous judgment beginning at Salem village in the year 1692, by some called witchcraft, first breaking forth at Mr. Paris’s house, several young persons, being seemingly afflicted, did accuse several persons for afflicting them, and many there believing it so to be, we being informed that, if a person was sick, the afflicted person could tell what or who was the cause of that sickness : Joseph Ballard, of Andover, his wife being sick at the same time, he either from himself or by the advice of others, fetched two of the persons, called the afflicted persons, from Salem village to Andover, which was the beginning of that dreadful calamity that befel us in Andover, believing the said accusations to be true, sent for the said persons to come together to the meeting house in Andover, the afflicted persons being there. After Mr. Barnard had been at prayer, we were blindfolded, and our hands were laid upon the afflicted persons, they being in their fits and falling into their fits at our coming into their presence, as they said ; and some led us and laid our hands upon them, and then they said they were well, and that we were guilty of afflicting them. Whereupon we were all seized, as pris-

soners, by a warrant from the justice of the peace, and forthwith carried to Salem. And, by reason of that sudden surprisal, we knowing ourselves altogether innocent of that crime, we were all exceedingly astonished and amazed, and confernated and affrighted even out of our reason ; and our nearest and dearest relations, seeing us in that dreadful condition, and knowing our great danger, apprehended there was no other way to save our lives, as the case was then circumstanced, but by our confessing ourselves to be such and such persons as the afflicted represented us to be, they, out of tenderness and pity, persuaded us to confess what we did confess. And indeed that confession, that it is said we made, was no other than what was suggested to us by some gentlemen, they telling us that we were witches, and they knew it, and we knew it, which made us think that it was so ; and our understandings, our reason, our faculties almost gone, we were not capable of judging of our condition ; as also the hard measures they used with us rendered us incapable of making our defence, but said any thing and every thing which they desired, and most of what we said was but in effect a consenting to what they said. Some time after, when we were better composed, they telling us what we had confessed, we did profess that we were innocent and ignorant of such things ; and we hearing that Samuel Wardwell had renounced his confession, and quickly after condemned and executed, some of us were told we were going after Wardwell.

“ *Mary Osgood, Deliverance Dane, Sarah Wilson.*
“ *Mary Tiler, Abigail Barker, Hannah Tiler.*”

The testimonial to these persons’ characters by the principal inhabitants of Andover, will outweigh the credulity of the justices who committed them, or of the grand jury which found bills against them.

“ *To the honoured court of Assize held at Salem.*
“ *The humble address of several of the inhabitants of Andover.*

“ May it please this honoured court,

“ WE being very sensible of the great sufferings our neighbours have been long under in prison, and charitably judging that many of them are clear of that great transgression

transgression which hath been laid to their charge, have thought it our duty to endeavour their vindication so far as our testimony for them will avail. The persons, in whose behalf we are desired and concerned to speak something at present, are Mrs. Mary Osgood, Eunice Frye, Deliverance Dane, Sarah Wilton and Abigail Barker, who are women of whom we can truly give this character and commendation, that they have not only lived among us so inoffensively as not to give the least occasion to any that know them to suspect them of witchcraft, but by their sober, godly and exemplary conversation have obtained a good report in the place, where they have been well esteemed and approved in the church of which they are members.

“ We were surprised to hear that persons of known integrity and piety were accused of so horrid a crime, not considering, then, that the most innocent were liable to be so misrepresented and abused. When these women were accused by some afflicted persons of the neighbourhood, their relations and others, though they had so good grounds of charity that they should not have thought any evil of them, yet through a misrepresentation of the truth of that evidence that was so much credited and improved against people, took great pains to persuade them to own what they were, by the afflicted, charged with ; and indeed did unreasonably urge them to confess themselves guilty, as some of us who were then present can testify. But these good women did very much assert their innocence ; yet some of them said they were not without fear lest Satan had some way ensnared them, because there was that evidence against them which then was by many thought to be a certain indication and discovery of witchcraft, yet they seriously professed they knew nothing by themselves of that nature. Nevertheless, by the unwearied solicitations of those that privately discoursed them, both at home and at Salem, they were at length persuaded publickly to own what they were charged with, and so submit to that guilt which we still hope and believe they are clear of. And, it is probable, the fear of what the event might be, and the encouragement that, it is said, was suggested

gested to them, that confessing was the only way to obtain favour, might be too powerful a temptation for timorous women to withstand, in the hurry and distraction that we have heard they were then in. Had what they said against themselves proceeded from conviction of the fact, we should have had nothing to have said for them; but we are induced to think that it did not, because they did soon privately retract what they had said, as we are informed; and, while they were in prison, they declared to such as they had confidence to speak freely and plainly to, that they were not guilty of what they had owned, and that what they had said against themselves was the greatest grief and burden they laboured under. Now, though we cannot but judge it a thing very sinful for innocent persons to own a crime they are not guilty of, yet, considering the well ordered conversation of those women while they lived among us, and what they now seriously and constantly affirm in a more composed frame, we cannot but in charity judge them innocent of the great transgression that hath been imputed to them. As for the rest of our neighbours, who are under the like circumstances with these that have been named, we can truly say of them, that, while they lived among us, we have had no cause to judge them such persons as, of late, they have been represented and reported to be, nor do we know that any of their neighbours had any just grounds to suspect them of that evil that they are now charged with.

Dudley Bradstreet	John Abbot, sen.	Elizabeth Rite
Francis Dane, sen.	Samuel Blanchard	Wm. Peters
Thomas Barnard	Wm. Ballard	Samuel Peters
Tho. Chandler, sen.	Thomas Hooper	Walter Wright
John Barker	John Hooper	Hooker Osgood
Henry Ingolls, sen.	Wm. Abbot	Benja. Stevens
Wm. Chandler, sen.	James Russell	Ann Bradstreet
Samuel Martin	Oliver Holt	Joanna Dane
Stephen Parker	John Presson	Eliza. Stevens
Samuel Ingolls	Francis Dane, jun.	Eliza. Barnard
Ephraim Stevens	George Abbot	Phebe Robinson
Daniel Poore	Wm. Chandler, jun.	Hannah Chandler
John Ingolls	John Chandler	Hannah Dane

Henry Ingolls, jun.	Joseph Robinson	Bridget Chandler
John Frie, sen.	Thomas Johnson	Mary Johnson
James Frie	Tho. Johnson, jun.	Robert Russel
John Aslebee	Andrew Peters	Mary Russel."
Samuel Holt	Mary Peters	

Among the confessing witches I find Dorothy Falkener, a child of ten years, Abigail Falkener of eight, and Sarah Carrier between seven and eight.

“Sarah Carrier’s Confession, August the 11th, 1696.

“IT was asked Sarah Carrier by the magistrates or justices, John Hawthorne, Esq. and others; How long hast thou been a witch? A. Ever since I was six years old. Q. How old are you now? A. Near eight years old; brother Richard says I shall be eight years old in November next. Q. Who made you a witch? A. My mother; she made me set my hand to a book. Q. How did you set your hand to it? A. I touched it with my fingers and the book was red, the paper of it was white. She said she never had seen the black man; the place where she did it was in Andrew Foster’s pasture, and Elizabeth Johnson, jun. was there. Being asked who was there beside, she answered her aunt Toothaker and her cousin. Being asked when it was, she said, when she was baptized. Q. What did they promise to give you? A. A black dog. Q. Did the dog ever come to you? A. No. Q. But you said you saw a cat once: what did that say to you? A. It said it would tear me in pieces if I would not set my hand to the book. She said her mother baptized her, and the devil or black man was not there, as she saw, and her mother said when she baptized her, Thou art mine forever and ever and amen. Q. How did you afflict folks? A. I pinched them, and she said she had no puppets, but she went to them that she afflicted. Being asked whether she went in her body or her spirit, she said in her spirit. She said her mother carried her thither to afflict. Q. How did your mother carry you when she was in prison? A. She came like a black cat. Q. How did you know that it was your mother? A. The cat told me so that she was my mother. She said she afflicted Phelp’s child last Saturday, and

Elizabeth

Elizabeth Johnson joined with her to do it. She had a wooden spear, about as long as her finger, of Elizabeth Johnson, and she had it of the devil. She would not own that she had ever been at the witch meeting at the village. This is the substance.

Attest. *Simon Willard.*"

This poor child's mother then lay under sentence of death, the mother of the other two children was in prison, and soon after tried and condemned, but upon her confession reprieved, and finally pardoned.

I meet with but one person in near an hundred whose examinations are upon file, that was dismissed after having been once charged, for which he might thank one of the girls who would not agree with the rest in the accusation.

"The examination of Nehemiah Abbot, at a court at Salem village, by John Hawthorne and Jonathan Corwin, Esq'r's. 22d April, 1692.

WHAT say you, are you guilty of witchcraft, of which you are suspected, or not? No Sir, I say before God, before whom I stand, that I know nothing of witchcraft. Who is this man? Ann Putman named him. Mary Walcot said she had seen his shape. What do you say to this? I never did hurt them? Who hurt you, Ann Putman? That man. I never hurt her. Ann Putman said, he is upon the beam. Just such a discovery of the person carried out, and she confessed; and if you would find mercy of God, you must confess. If I should confess this, I must confess what is false. Tell how far you have gone, who hurts you? I do not know, I am absolutely free. As you say, God knows. If you will confess the truth, we desire nothing else, that you may not hide your guilt, if you are guilty, and therefore confess if so. I speak before God that I am clear from this accusation. What, in all respects? Yes, in all respects. Doth this man hurt you? Their mouths were stopped. You hear several accuse you, though one cannot open her mouth. I am altogether free. Charge him not unless it be he. This is the man, say some, and some say he is very like him. How did you know his name?

name? He did not tell me himself, but other witches told me. Ann Putman said, It is the same man, and then she was taken with a fit. Mary Walcot, is this the man? He is like him, I cannot say it is he. Mercy Lewis said, It is not the man. They all agreed, the man had a bunch on his eyes. Ann Putman, in a fit, said, Be you the man? ay, do you say you be the man? did you put a mist before my eyes? Then he was sent forth till several others were examined. When he was brought in again, by reason of much people and many in the windows so that the accusers could not have a clear view of him, he was ordered to be abroad, and the accusers to go forth to him and view him in the light, which they did, and, in the presence of the magistrates and many others, discoursed quietly with him, one and all acquitting him, but yet said he was like that man, but he had not the wen they saw in his apparition. Note, he was a hilly-faced man, and stood shaded by reason of his own hair, so that for a time he seemed to some by-standers and observers to be considerably like the person the afflicted did describe.

“Mr. Samuel Paris, being desired to take in writing the examination of Nehemiah Abbot, hath delivered it as aforesaid, and upon hearing the same did see cause to dismiss him.

*John Hawthorne, }
Jona. Corwin, } Assistants.”*

We see, from the preceding examinations and confessions, the method of proceeding preparatory to the trial of the accused persons.

For three or four months, the afflicted generally confined themselves to their own neighbourhood, in their accusations. In the examinations there is sometimes mention made of strangers, whose shapes or spectres were unknown to the afflicted. The first accused, in any other county, was Mrs. Cary, wife of Mr. Nathaniel Cary, a principal inhabitant of the town of Charlestown. He, as soon as he heard of it, carried his wife to Salem village, supposing she would not be known to the afflicted. They happened to arrive just as the justices were going into the meeting house, where they held their court to examine prisoners. All the prisoners, which were brought in, were

were accused, and the girls fell into fits as usual; but Mrs. Cary came in and sat without any notice, except that one or two of the afflicted came to her and asked her name. After the examination, her husband went to the tavern, intending there to discourse with one of the girls, whom he heard had accused his wife. John, the Indian, who pretended to be one of the afflicted, was a servant in the house. Two of the girls were soon brought in, and instead of giving any opportunity of discoursing with them, they tumbled about the floor, crying out, Cary, Cary, and a warrant came to apprehend her; the Indian joining with the two girls in the charge. No bail could be admitted, nor was it to any purpose to make any defence, and she was ordered to the prison in Boston; but, upon the request of her husband, was removed to Cambridge gaol, where she was kept in irons. Afterwards, when the trials came on at Salem, her husband went there to see how they were managed, and he thought the only chance his wife had for her life, was by an escape, which, by some means or other, he effected, and fled with her to New York, where governor Fletcher entertained them very courteously. They petitioned, I suppose before the escape, that she might be tried in the county where she lived. If the court thought they were held to try the fact in the county where it was committed, there seems to have been room for an argument, her body being in Middlesex at the same time that her spectre and the body of the afflicted persons were in Essex.

Mrs. Cary was committed about the middle of May. Towards the end of the month, Capt. John Alden, of Boston, was accused, who was thereupon sent down to Salem. He had been many years commander of a sloop in the colony service, employed for supplying the forts east with provisions and stores; and although, upon his first appearing, the justices allowed that he always had the character of an honest man, yet one of them, Gidney, soon after, let him know he then saw reason to think otherwise of him. Alden, in his account, says, that the accuser first pointed to another man and said nothing, but that the man who held her stooped down to her ear, and then

then she cried out, Alden, Alden. All were ordered into the streets, and a ring made, and then she cried, out, *There stands Alden, a bold fellow, with his hat on, sells powder and shot to the Indians, lies with the squaws and has papooses, &c.* He was immediately taken into custody of the marshal and required to deliver up his sword. A further examination was had in the meeting-house, and his hands were held open by the officer, that he might not pinch the afflicted, who were struck down at the sight of him, and made their usual cries; all which the justices deemed sufficient grounds for committing him to gaol, where he lay fifteen weeks, and then he was prevailed on by his friends to make his escape, and to absent himself until the consternation should abate, and the people recover the use of their reason.

Although the number of prisoners had been increasing, from February until the beginning of June, yet there had been no trials. The charter was expected from day to day, and the new constitution of government to take place. Soon after its arrival, commissioners of oyer and terminer were appointed for the trial of witchcrafts. By the charter, the general assembly are to constitute courts of justice, and the governor with the advice of council is to nominate and appoint judges, commissioners of oyer and terminer, &c. but whether the governor, with advice of council, can constitute a court of oyer and terminer, without authority for that purpose derived from the general assembly, has been made a question; however, this the most important court to the life of the subject which ever was held in the province, was constituted in no other manner. It was opened at Salem the first week in June. Only one of the accused, Bridget Bishop, alias Oliver, was then brought to trial. She had been charged with witchcraft twenty years before. The accuser, upon his death bed, confessed his own guilt in the accusation; but an old woman, once charged with being a witch, is never afterwards wholly free from the accusation, and she being, besides, of a fractious temper, all the losses the neighbours met with in their cattle and poultry, and accidents in overthrowing their carts, &c. were attributed to her spite against them,

them, and now suffered to be testified against her. This evidence, together with the testimony of the afflicted, and of the confessors, what they had heard from the spectres and seen of her spectre, and an excrescence, called a teat, found upon her body, were deemed by court and jury plenary proof, and she was convicted, and on the 10th of June executed. The further trials were put off to the adjournment, the 30th of June. The governor and council thought proper, in the mean time, to take the opinion of several of the principal ministers upon the state of things as they then stood. This was an old charter practice. They gave their opinion as follows.*

“The return of several ministers, consulted by his excellency and the honourable council upon the present witchcraft in Salem village.

Boston, June 15th, 1692.

“ 1. THE afflicted state of our poor neighbours, that are now suffering by molestations from the invisible world, we apprehend so deplorable, that we think their condition calls for the utmost help of all persons in their several capacities.

“ 2. We cannot but, with all thankfulness, acknowledge the success which the merciful God has given to the sedulous and assiduous endeavours of our honourable rulers, to defeat the abominable witchcrafts which have been committed in the country, humbly praying, that the discovery of those mysterious and mischievous wickednesses may be perfected.

“ 3. We judge that, in the prosecution of these and all such witchcrafts, there is need of a very critical and exquisite caution, lest by too much credulity for things received only upon the devil’s authority, there be a door opened for a long train of miserable consequences, and Satan get an advantage over us; for we should not be ignorant of his devices.

“ 4. As in complaints upon witchcrafts there may be matters of inquiry which do not amount unto matters of presumption,

* I fancy this must be what Douglaſ had heard ſomething of, and calls by mistake “the address of many of the very popular but very weak ministers or clergy to Sir W. P. a very weak governor, with thanks for what was already done, and exhorting him to proceed.”

presumption, and there may be matters of presumption which yet may not be matters of conviction, so it is necessary, that all proceedings thereabout be managed with an exceeding tenderness towards those that may be complained of, especially if they have been persons formerly of an unblemished reputation.

“ 5. When the first inquiry is made into the circumstances of such as may lie under the just suspicion of witchcrafts, we could wish that there may be admitted as little as possible of such noise, company and openness as may too hastily expose them that are examined, and that there may be nothing used as a test for the trial of the suspected, the lawfulness whereof may be doubted by the people of God; but that the directions given by such judicious writers as Perkins and Bernard, may be observed.

“ 6. Presumptions whereupon persons may be committed, and, much more, convictions whereupon persons may be condemned as guilty of witchcrafts, ought certainly to be more considerable than barely the accused person’s being represented by a spectre unto the afflicted; inasmuch as it is an undoubted and a notorious thing, that a demon may, by God’s permission, appear, even to ill purposes, in the shape of an innocent, yea, and a virtuous man. Nor can we esteem alterations made in the sufferers, by a look or touch of the accused, to be an infallible evidence of guilt, but frequently liable to be abused by the devil’s legerdemain.

“ 7. We know not whether some remarkable affronts given the devils, by our disbelieving those testimonies whose whole force and strength is from them alone, may not put a period unto the progress of the dreadful calamity begun upon us, in the accusation of so many persons, whereof some, we hope, are yet clear from the great transgression laid to their charge.

“ 8. Nevertheless, we cannot but humbly recommend unto the government, the speedy and vigorous prosecutions of such as have rendered themselves obnoxious, according to the directions given in the laws of God, and the wholesome statutes of the English nation, for the detection of witchcrafts.”

The judges seem to have paid more regard to the last article of this return, than to several which precede it ; for the prosecutions were carried on with all possible vigour, and without that exquisite caution which is proposed.

At the first trial, there was no colony or provincial law against witchcraft in force. The statute of James the first must therefore have been considered as in force in the province, witchcraft not being an offence at common law. Before the adjournment, the old colony law, which makes witchcraft a capital offence, was revived, with the other local laws, as they were called, and made a law of the province.

At the adjournment, June 30, five women were brought upon trial, Sarah Good, Rebekah Nurse, Susannah Martin, Elizabeth How, and Sarah Wilder.

There was no difficulty with any but Nurse. She was a member of the church and of a good character, and, as to her, the jury brought in their verdict, *not guilty* ; upon which the accusers made a great clamour, and the court expressed their dissatisfaction with the verdict, which caused some of the jury to desire to go out again ; and then they brought her in *guilty*. This was a hard case, and can scarcely be said to be *the execution of law and justice in mercy.** In a capital case, the court often refuses a verdict of, *guilty* ; but rarely, if ever, sends a jury out again upon one of, *not guilty*. It does not indeed appear, that in this case the jury was ordered out again ; but the dissatisfaction expressed by the court seems to have been in such a manner as to have the same effect. The certificate given by the foreman of the jury, to satisfy the relations of the woman, shews how the fact was.

“ July 4th, 1692.

“ I THOMAS FISK, the subscriber hereof, being one of them that were of the jury last week at Salem court, upon the trial of Rebekah Nurse, &c. being desired, by some of the relations, to give a reason why the jury brought her in *guilty*, after the verdict *not guilty* ; I do hereby give my reasons to be as follows.

“ When

* A part of the oath the king takes at his coronation, “ which judges should have written on their hearts.” *Foster’s crown law.*

“ When the verdict, *not guilty*, was given, the honoured court was pleased to object against it, saying to them, that they think they let slip the words which the prisoner at the bar spake against herself, which were spoken in reply to Goodwife Hobbs and her daughter, who had been faulty in setting their hands to the devil’s book, as they had confessed formerly ; the words were, *What do these persons give in evidence against me now ? they used to come among us ?* After the honoured court had manifested their dissatisfaction of the verdict, several of the jury declared themselves desirous to go out again, and thereupon the honoured court gave leave ; but when we came to consider the case, I could not tell how to take her words as an evidence against her, till she had a further opportunity to put her sense upon them, if she would take it ; and then going into court, I mentioned the words aforesaid, which by one of the court were affirmed to have been spoken by her, she being then at the bar, but made no reply nor interpretation of them ; whereupon, these words were to me a principal evidence against her.

Thomas Fisk.

Nurse, being informed of the use which had been made of her words, gave in a declaration to the court, that “ when she said Hobbs and her daughter were of her company, she meant no more than that they were prisoners as well as herself ; and that, being hard of hearing, she did not know what the foreman of the jury said.” But her declaration had no effect.

Mr. Noyes, the minister of Salem, a zealous prosecutor, excommunicated the poor old woman and delivered her to Satan, to whom he supposed she had formally given herself up many years before ; but her life and conversation had been such, that the remembrance thereof, in a short time after, wiped off all the reproach occasioned by the civil or ecclesiastical sentence against her.

It is said, that at the trial of Sarah Good, one of the afflicted persons fell into a fit, and, after recovery, cried out, “ that the prisoner had stabbed her and broke her knife in doing it ;” and a piece of the knife was found upon the afflicted person ; but a young man declared, that the day before, he broke that very knife and threw away

the

the piece, this afflicted person being then present. The court took so much notice as to bid her tell no more lies, but went on to improve her as a witness against other prisoners.* Something happened, not unlike to this, in a trial before Sir Matthew Hale. The afflicted children, in their fits, would shriek out upon the least touch from Rose Cullender, one of the witches, but remained quite insensible when any body else touched them. Lest there should be any fraud, Lord Cornwallis, Sir Edmund Bacon, Serjeant Keeling and other gentlemen attended one of the girls, whilst she was in her fits, at another part of the hall, and one of the witches was brought, and an apron was put before the girl's eyes; but instead of the witches hand, another person's hand was taken to touch the girl, who thereupon shrieked out as she used to do. The gentlemen returned and declared to the court they believed the whole was an imposture. Notwithstanding this, the witch was found guilty, and the judge and all the court were fully satisfied with the verdict, and awarded sentence accordingly.

Susannah Martin had been suspected ever since 1669, so that many witch stories were reported of her and given in evidence against her. One of these women, being told at her execution by the minister, Mr. Noyes, that he knew she was a witch, and therefore advised her to confess, she replied, that *he lied, and that she was no more a witch than he was a wizard; and if he took away her life, God would give him blood to drink.*†

At the trial of another of them, it is said, that one of the afflicted cried out in court upon Mr. Willard, a minister of Boston, and that she was immediately sent out of court; and it was given out that she was mistaken in the person. † There was one Willard then in prison for witchcraft.

At

* This story is related by Calef, who by his narrative gave great offence, having censured the proceedings, at a time when in general the country did not see the error they had been in; but in his account of facts which can be evidenced by records, and other original writings, he appears to have been a fair relator.

† Calef. They have a tradition among the people of Salem that a peculiar circumstance attended the death of this gentleman, he having been choaked with blood, which makes them suppose her, if not a witch, a Pythonissa, at least, in this instance.

† Calef.

At the next adjournment, Aug. 5th, George Burroughs, John Procter and Elizabeth his wife, John Willard, George Jacobs and Martha Carrier were all brought upon trial and condemned, and all executed upon the 19th of August, except Elizabeth Procter, who escaped by pleading her belly.

Burroughs had been a preacher* several years before this, at Salem village, where there had been some misunderstanding between him and the people. Afterwards he became a preacher at Wells, in the province of Main. We will be a little more particular in our account of his trial.† The indictment was as follows.

"Anno Regis et Reginæ, &c. quarto.

Essex ff. THE jurors for our sovereign lord and lady the king and queen, present, that George Burroughs, late of Falmouth in the province of Massachusetts, clerk, the ninth day of May, in the fourth year of the reign of our sovereign lord and lady William and Mary, by the grace of God of England, Scotland, France and Ireland, king and queen, defenders of the faith, &c. and divers other days and times, as well before as after, certain detestable arts called witchcrafts and sorceries, wickedly and feloniously hath used, practised and exercised, at and within the town of Salem, in the county of Essex aforesaid, in, upon and against one Mary Walcot, of Salem village, in the county of Essex, single woman; by which said wicked arts, the said Mary Walcot, the ninth day of May in the fourth year aforesaid, and divers other days

* The confessing witches were examined concerning him. "Richard Carrier affirmed to the jury that he saw Mr. George Burroughs at the witch meeting at the village, and saw him administer the sacrament. Mary Lacey, sen. and her daughter Mary affirmed, that Mr. George Burroughs was at the witch meetings and witch sacraments, and that she knows Mr. Burroughs to be of the company of witches. Aug. 3, 1692."

† Among the sufferers discovered in England by Matthew Hopkins in 1645, there was one Mr. Louis, whom Mr. Baxter calls an old reading parson, and says that he confessed he had two imps, and that he sent one to sink a ship which he saw on the coast, and that afterwards he saw the ship sink. Doctor Hutchinson, in his observations upon the Suffolk witches, says, Mr. Lewis was an ancient clergyman, near fourscore, who read Q. Elizabeth's homilies instead of sermons, but being what was then called a malignant parson, he was more easily convicted; that upon his trial he asserted his innocency, and at his execution read the service for burial himself; that the confession Mr. Baxter mentions was from the evidence of persons at his trial, and as Hopkins had swam him several times till he was near drowning, such confession, or any other, was not matter of great wonder.

days and times as well before as after, was and is tortured, afflicted, pined, consumed, wasted and tormented, against the peace of our sovereign lord and lady the king and queen, and against the form of the statute in that case made and provided. *Endorsed Billa vera.*" Three other bills were found against him for witchcrafts upon other persons, to all which he pleaded not guilty, and put himself upon trial, &c.

The afflicted persons, and the confessing witches were first examined; for although, by the advice of the elders, their evidence was not conclusive, yet some presumption arose from it, and with other circumstances to corroborate it, the proof might be sufficient to convict. One circumstance was, that, being a little man, he had performed feats beyond the strength of a giant, viz. had held out a gun of seven feet barrel with one hand, and had carried a barrel full of cyder from a canoe to the shore. Upon his urging that an Indian, who was present, held out the gun also, and the witnesses not remembering that any Indian was there, it was said the Indian must have been the black man, or the devil, who the witnesses swore looks like an Indian. Other evidence was given of his harsh treatment of his wives, having been twice married, and of his pretending to them that he knew what had been said to them in his absence, and his persuading them to give it under their hands in writing, and to swear to it, that they would not reveal his secrets; and it was further said they had privately complained to the neighbours that their house was haunted with spirits. And a brother of one of his wives swore, that going out after strawberries, upon their return, he went into the bushes on foot, and though they rode a quick pace, yet when they came near home, to their astonishment they found him with them, and that he fell to chiding his wife for talking to her brother about him, and said he knew their thoughts, which the brother said, was more than the devil knew; to which Burroughs replied, that his god told him. Against this evidence he urged, that a man was with him, to shew that another walked as fast as he did; and this was immediately determined to be the black man also. And,

And, upon the whole, he was confounded, and used many twistings and turnings, which I think we cannot wonder at. At his execution, he concluded his dying prayer with the Lord's prayer ; probably to convince some of the spectators of his innocence, for it was the received opinion, that a true witch could not say the Lord's prayer without blundering,* and in many of the examinations it was used as a test ; and several of the old women not saying it right, this was improved against them.

September the 9th, *Martha Cory, Mary Esty, Alice Parker, Ann Pudeater, Dorcas Hoar, and Mary Bradbury* were tried, and September 17th, *Margaret Scott, Wilmot Read, Samuel Wardwell, Mary Parker, Abigail Falkner, Rebekah Eames, Mary Lacey, Ann Foster, and Abigail Hobbs*, and all received sentence of death. Those in Italic were executed the 22d following.

Mary Esty, who was sister to Nurse, gave in to the court a petition ; in which she says, she does not ask her own life, although she is conscious of her innocence, but prays them, before they condemn any more, to examine the confessing witches more strictly ; for she is sure they have belied themselves and others, which will appear in the world to which she is going, if it should not in this world.

Those who were condemned and not executed, I suppose all confessed their guilt. I have seen the confessions of several of them. Wardwell also confessed, but he recanted and suffered. His own wife, as well as his daughter accused him, and saved themselves. There are many instances, among the examinations, of children accusing their parents, and some of parents accusing their children. This is the only instance of a wife or husband accusing one the other, and surely this instance ought not to have been suffered. I shudder while I am relating it. Besides this irregularity, there were others in the course of these trials. The facts laid in the indictments were, witchcrafts upon particular persons ; there was no evidence

* "She was bid to say the Lord's prayer. When she came to, *Forgive us our trespasses, as we forgive them that trespass against us*, she said, *So do I*. No other mistake, in saying the prayer, remarkable." *A woman's examination, Sept. 21, 1692.*

† The daughter upon a second inquiry denied that she knew her father and mother to be witches ; the wife was not asked a second time.

dence of these facts, but what was called spectral evidence, which, in the opinion of the ministers, was insufficient ; some of the other evidence was of facts ten or twenty years before, which had no relation to those with which they were charged ; and some of them no relation to the crime of witchcraft. Evidence is not admitted, even against the general character of persons upon trial, unless to encounter other evidence brought in favour of it ; much less ought their whole lives to be arraigned, without giving time sufficient for defence.*

Giles Cory was the only person, besides those already named, who suffered. He, seeing the fate of all who had put themselves upon trial, refused to plead ; but the judges, who had not been careful enough in observing the law in favour of the prisoners, determined to do it against this unhappy man, and he had judgment of *peine forte et dure* for standing mute, and was pressed to death ; the only instance which ever was, either before this time or since, in New-England. In all ages of the world, superstitious credulity has produced greater cruelty than is practised among the Hottentots, or other nations, whose belief of a Deity is called in question.

This court of oyer and terminer, happy for the country, sat no more. Nineteen persons had been executed, all asserting their innocence ; but this was not enough to open the eyes of the people in general. The gaol at Salem was filled with prisoners, and many had been removed to other gaols ; some were admitted to bail, all reserved for trial, a law having passed constituting a supreme standing court, with jurisdiction in capital, as well as all other criminal cases. The general court also shewed their zeal against witchcraft, by a law passed in the words of the statute of James the first ; but this law was disallowed by the king. If the court was of opinion that the statute extended here, I see no necessity of a provincial act exactly in the same words ; if the statute did not extend

* Against many of the women there was likewise given in evidence the return of a jury of one man, a doctor, and eight women appointed to examine their bodies for tets and other devil's marks. The search was curious enough, but the return is too indelicate to appear in this relation. Some said the credulity was such, that a flea-bite would pass well enough for a tett or the devil's mark.

tend here, I know not by what law the first that was tried could be sentenced to death.

The time, by law, for holding the court at Salem, was not until January. This gave opportunity for consideration; and this alone might have been sufficient for a change of opinions and measures; but another reason has been given for it. Ordinarily persons of the lowest rank in life have had the misfortune to be charged with witchcrafts; and although many such had suffered, yet there remained in prison a number of women, of as reputable families as any in the towns where they lived, and several persons, of still superior rank, were hinted at by the pretended bewitched, or by the confessing witches. Some had been publickly named. Dudley Bradstreet, a justice of peace, who had been appointed one of president Dudley's council, and who was son to the worthy old governour, then living, found it necessary to abscond. Having been remiss in prosecuting, he had been charged by some of the afflicted as a confederate. His brother, John Bradstreet, was forced to fly also. Calef says it was intimated that Sir William Phips's lady was among the accused. It is certain that one who pretended to be bewitched at Boston, where the infection was beginning to spread, charged the secretary of the colony of Connecticut.* Mrs. Hale, wife to the minister of Beverly, was accused also; which caused her husband to alter his judgment, and to be less active in prosecutions than he had been.

At the court in January, the grand jury found bills against about fifty for witchcraft, one or two men, the rest women; but upon trial, they were all acquitted, except three of the worst characters, and those the governour reprieved for the king's mercy. All that were not brought upon trial he ordered to be discharged.† Such a gaol delivery

* "As to what you mention, concerning that poor creature in your town that is afflicted, and mentioned my name to yourself and son, I return you hearty thanks for your intimation about it, and for your charity therein mentioned; and I have great cause to bleſs God, who, of his mercy hitherto, hath not left me to fall into such an horrid evil." Extract of a letter from secretary Allen to Inc. Mather, Hartford, 18 March, 92-3.

† It is said the governor's lady, when Sir William was absent, saved one poor woman from trial. "In Sir William's absence, his lady, I suppose upon account of her name's being Mary, (William and Mary) was solicited for a favour in behalf of

delivery was made this court, as has never been known at any other time in New-England.

Several persons had been charged and imprisoned in the county of Middlesex also, and at the first court at Charlestown they were brought to trial, but the jury acquitted them all. Some of the court were dissatisfied. The juries changed sooner than the judges. However, it was not long before one, at least, of the judges of the first court of oyer and terminer was sensible of his error. Mr. Sewall, at a public fast, gave in to the minister a bill, acknowledging his error in the late proceedings, and desiring to humble himself in the sight of God and his people. It is said that the chief justice, Mr. Stoughton, being informed of this action of one of his brethren, observed for himself that, when he sat in judgment, he had the fear of God before his eyes, and gave his opinion according to the best of his understanding; and although it might appear afterwards that he had been in an error, yet he saw no necessity of a public acknowledgment of it.

One of the ministers, who, in the time of it, was fully convinced that the complaining persons were no impostors and who vindicated his own conduct and that of the court in a narrative he published, remarks not long after, in his diary, that many were of opinion that innocent blood had been shed. None of the pretended afflicted were ever brought upon trial for their fraud, some of them proved profligate persons, abandoned to all vice, others passed their days in obscurity or contempt.

The opinion which prevailed in New-England, for many years after this tragedy, that there was something supernatural in it, and that it was not all the effect of fraud and imposture, proceeded from the reluctance in human nature to reject errors once imbibed. As the principal actors went off the stage, this opinion has gradually lessened;

of a woman committed by one of the judges, on accusation of witchcraft, by a formal warrant under his hand and seal, and in close prison for trial the next assizes, then not far off. The good lady, *propriâ virtute*, granted and signed a warrant for the said woman's discharge, which was obeyed by the keeper, and the woman lives still for aught I know. Truly I did not believe this story, till I saw a copy of the mittimus and discharge, under the keeper's hand, attested a true copy, for which discovery the keeper was discharged from his trust and put out of his employment, as he himself told me. *M. S. letter.*

ed; and perhaps it is owing to a respect to the memory of their immediate ancestors, that many do not yet seem to be fully convinced. There are a great number of persons who are willing to suppose the accusers to have been under bodily disorders which affected their imaginations. This is kind and charitable, but seems to be winking the truth out of sight. A little attention must force conviction that the whole was a scene of fraud and imposture, began by young girls, who at first perhaps thought of nothing more than being pitied and indulged, and continued by adult persons, who were afraid of being accused themselves. The one and the other, rather than confess their fraud, suffered the lives of so many innocents to be taken away, through the credulity of judges and juries.*

It was proposed that the members of the general court should, during the recess, consider of such laws as were necessary to be established; for the act reviving the colony laws was to continue in force no longer than until November, 1692.

This was a work of great importance, and required the wisest heads, and ought to have been committed to select persons upon a preconcerted plan, the whole of which each person should have kept in view; for want thereof the people of the province have been sufferers ever since; the construction of many laws has been doubtful and varying, it being impossible to reconcile the several parts to any general principle of law whatsoever. Besides, being passed one after another, as they happened to be brought in, and sent to England for allowance, some were disapproved; others, which depended upon or had some connexion with those which were disapproved, were allowed; whereas, if one complete code or system had been prepared and sent to England, such alterations would have been proposed as might finally have issued in a well-digested consistent body of laws; and a temporary provision might

have

*The general court, about twenty years after, upon the petitions of the relations of those who had been executed, and of several persons who had been charged and fled, and whose goods had been seized, made grants for and in consideration of the losses sustained; but the petitioners alleged, that they bore no proportion to the real damage. Philip English, a merchant in Salem, received £. 300. He computed his damages at £. 1500. Inquiry was made by a committee, and they professed to report such sums as each petitioner had suffered.

have been made, until this perpetual rule should be settled. Seven years had passed, and four different acts had been sent, one after another, to England, for establishing courts of justice, before the royal approbation could be obtained. It was the practice of the administration then, and it seems, at that time to have been well enough received in the province,* to point out, either in the order disallowing laws, or to the agent who presented them, the particular exceptions, and to propose such alterations as might render them acceptable, except in such cases where the law in all its parts was disapproved. †

The legislature consisting of many of the same persons who had composed the legislature under the old charter, we find the same spirit, in most of the laws which were first passed, as had been in the colony laws. The first act was a sort of *magna charta*, asserting and setting forth their general privileges, and this clause was among the rest; “No aid, tax, tallage, assessment, custom, loan, benevolence or imposition whatsoever, shall be laid, assessed, imposed, or levied on any of their majesties’ subjects, or their estates, on any pretence whatsoever, but by the act and consent of the governor, council and representatives of the people assembled in general court.” The other parts of the act were copied from *magna charta*.

This

* “ I am also obliged to acknowledge your Lordship’s favour in making known the reasons of the repeal of divers acts and laws made within this province, which is of good information and direction unto the general assembly in their new making of others to those purposes.” *Extr. from Lt. Gov. Stoughton’s letter to lords of trade, Sept. 30, 1697.*

† By Poyning’s act, so called, it is provided, “ that no parliament be hereafter holden in the faid land of Ireland, but at such season as the king’s lieutenant and council there first do certify the king, under the great seal of that land, the causes and considerations, and all such acts as them seemeth shoulde pass in the same parliament, and such causes, considerations and acts affirmed by the king and his council to be good and expedient for that land.” By an act of the parliament of England 3d and 4th Phil. & Mar. it was determined, that the meaning of the words “ good and expedient for that land” was, that the acts sent to England might be passed in such form and tenor as sent over, or that any part of them might be changed and altered before they were sent back to Ireland to be passed by the parliament there. A question, however, was started in the 12th of K. James I. and it was referred to the chief justice, &c. to consider both the Irish and English act, and although it may seem difficult to include correction and alteration in affirmation, yet, it was certain, the act of Phil. & Mar. had so explained it; and thus, although the acts themselves are to be originally drawn or proposed in Ireland, yet the amendments or alterations, which may be as material as the acts themselves, originate in England. This seems unconstitutional in an English government. It is not certain, however, that there may not be conveniences arising hereby to the people of Ireland sufficient to balance all inconveniences.

This was soon disallowed. So was an act for punishing capital offenders ; amongst whom are ranked idolaters, blasphemers and incestuous persons, and, what the benignity of the common law makes manslaughter, was by this act expressly declared to be wilful murder. This law was framed from the judicial laws of Moses. Divers other acts, which discovered the same spirit, met with the same fate. The danger they had been in from Sir Edmund Andros's calling their titles in question, I imagine must have occasioned an act for quieting possessions ; declaring that three years quiet possession should give a title, with the usual savings of infants, &c. This probably was thought too short a term, and therefore disallowed ; as was also an act for the equal distribution of insolvents' estates ; the rule of law for paying debts according to their nature and degree was thought preferable ; but the people having never been used to this, it would have been very inconvenient, and upon further trial the act, or one to the same purpose, was allowed. It is indeed difficult to assign a sufficient reason, why not only one set of creditors of a deceased insolvent shall be paid their full debts to the exclusion of all others ; but even an executor or administrator shall have it in his power to pay himself, to the exclusion of others whose debts were of the same nature.

Other acts which were passed were approved, viz. one for prevention of frauds and perjuries, conformable to the statute of Charles the second ; others for punishing criminal offences, in many parts mitigating the penalties at common law ; for the observation of the Lord's day ; solemnizing marriages by a minister or a justice of peace ; settlement and support of ministers and school-masters ; regulating towns and counties ; requiring the oaths appointed instead of the oaths of allegiance and supremacy, as also the oaths of officers ; establishing fees ; ascertaining the number and regulating the house of representatives ; and divers other acts of immediate necessity and general utility, which have been in force ever since ; but none of more universal influence than the act for settlement of the estates of persons dying intestate. In a new country the length of time an estate has been in a family cannot

cannot be urged for the further continuance of it;* where improvements are continually making, the personal estate is continually changing into real, which increases the natural injustice of one child's taking the real estate of the parent, to the exclusion of the other children; it was therefore thought reasonable, that the real as well as personal estate of a parent should be equally distributed among his or her children, saving to the eldest son, either from the rule in the law of Moses, or a supposed just claim from primogeniture, a double share. The act therefore, in general, was planned upon the statute of distributions, but gave two shares to the eldest son, and undoubtedly in the distribution among the children of an intestate, respected real estates in like manner with personal; the widow had her thirds in the real for life only.

It is evident, that the principal point in view was to make real estates partible among the children of an intestate, and that they never considered the full operation of the clause in the statute, and which is also brought into the act, providing, that where there are no children the whole estate shall go to the next of kin to the intestate.†

The new government, as we have observed, found themselves in a state of war. The authority of the colony had appointed Elisha Hutchinson, who was one of the assistants and chief officer of the regiment of Boston, to be commander of the forces. He was at Portsmouth, in New-Hampshire, when the charter arrived, and had disposed his men upon the eastern frontiers, so as to cover the few inhabitants which remained there after

* In Russia, it is said, they distinguish between lands that have been a long time in a family and those of late original. "Lands, that have not been above twenty years in a family, fall to the younger children proportionably with the eldest."

Voyage to the northern coasts of Europe.

† Accordingly, for more than thirty years after the passing this law, it was the prevailing practice, I am not sure it was so in every instance, for real estates to descend and be distributed by the courts of probate as at common law, the instance of children of an intestate only excepted. At length by judgments at common law, first the half blood, then the father and the mother have been determined to be entitled to the real in like manner with the personal estate. General entails have been adjudged, notwithstanding, not to be partible. I suppose, upon this principle, that by this act the common law is altered only with respect to intestate estates, and takes place in devises as if it had not been made. It had been expressly declared, in the laws of Plymouth colony, that lands in fee simple should go to all the sons, the eldest a double share, but entails should go according to the laws of England.

ter the destruction of York. Captain Convers, with fifteen men, was posted in a garrison house at Wells, called Storer's garrison;* and about as many more were on board two sloops, which went from Boston with provisions. About the 10th of June, the inhabitants were alarmed by their cattle running home from the woods in a fright, and some wounded. This notice caused the several families to betake themselves immediately to this one house, where they were scarce lodged when an army of French and Indians, of three or four hundred, surrounded the house. A French officer, Labrocree, was commander, and Madockewando, Moxus, Egeremet, and other noted Indian chiefs were under him. They first attempted the garrison house; but having no cannon, they were repulsed and went to the sloops. The river where they lay is not above eighteen or twenty feet broad, but the banks shelve away so that they could not leap aboard. They set the sloops on fire several times with fire arrows, but the fire was as often extinguished, and, after a variety of contrivances to shelter themselves from the English shot, they gave over and returned to the garrison, where they had no better success. The women not only tended the men with ammunition and other necessaries, but many of them took their muskets and fired upon the enemy. Very good terms were offered the garrison if they would surrender, but no regard was paid to them; an army of French and Indians were not to be trusted. Being drove again from the garrison, they made a second attempt upon the sloops by a fire raft, which fortunately drove ashore and broke, without any damage to the vessels. Having spent eight and forty hours in this way, they withdrew, with the loss of Labrocree, their commander, and some few

* Col. Storer, the present possessor, kept up the stockadoes, and one or more of the flankarts until since the year 1760, rather as a memorial than necessary defence.

We may observe here, that, in every frontier settlement there were more or less garrison houses, some with a flankart at two opposite angles, others at each corner of the house; some houses surrounded with pallisadoes, others which were smaller built with square timber, one piece laid horizontally upon another, and loop-holes in every side of the house; and, besides these, generally in any more considerable plantation there was one principal garrison house, capable of containing soldiers sent for the defence of the plantation, and the families near, whose houses were not fortified. It was thought justifiable and necessary, whatever the general rule of law might be, to erect such forts, castles or bulwarks as these upon a man's own ground, without commission or special license therefor.

few of the men. In their retreat, they wreaked their malice in torturing a poor Englishman, John Diamond, who was taken prisoner in passing from the sloops to the fort, and in killing all the cattle they could find.

Sir William Phips was charged by his instructions to build a strong fort at Pemaquid. This he performed the first summer, going down in person. The country in general disliked it. They have been reproached for grudging at so small an expense for their own safety;* but this was not the principal cause of their aversion to a fort here. It answered no other purpose than to keep possession of that particular harbour, and was not convenient for a post for any marching parties, who from time to time were sent out for discovery of the enemy, nor for the settlers of the frontiers to retreat to. The ministry, I think, had a view in it, which the people of the province seem not to have considered, viz. preventing the French from claiming Acadie as a derelict country, and perhaps taking possession of it as such. However, the fort was built and a very respectable one, and a garrison maintained there at the charge of the province. The French immediately formed a design, or prosecuted what was before designed, to possess themselves of the place. Two ships of war, le Poli and l'Envieux, under Iberville, were to attempt the place by sea, whilst Villebone, with a body of Indians, did the same by land. The ships came late in the fall, and finding an English vessel at anchor under the guns of the fort, and having no pilots, nor any body acquainted with the coast, they thought it prudent to retreat. The Indians had assembled in great numbers, and were very much dissatisfied, depending upon driving away their troublesome neighbours the English. The French, at Quebec, supposed these extraordinary preparations, which frustrated their attempt, were caused by the intelligence which two deserters, who had been spirited away by Mr. Nelson, gave to the authority in Massachusetts, but this was a mistake.†

Whilst

* Discovery and settlement of the English in America, in Harris's collection.

† Charlevoix, and Vol. I. Hist. Mass. p. 378.

Whilst the governor was at Pemaquid, building the fort, he sent major Church, the celebrated commander in Philip's war, with part of the forces to Penobscot, and upon his return he ordered him to Kennebeck. Church took three or four prisoners and some plunder at Penobscot, and discovered a great number of Indians; but for want of whale-boats could not pursue them. At Kennebeck, he burned a fort which the Indians had at Taconnick, and destroyed their corn, but neither killed nor took prisoners of any of the enemy.

We meet with nothing else memorable this year relative to the frontiers. The Indians had not been very active; they were sensible of their ill treatment from the French, who had often abandoned them, and it was the influence of the priests and the bigotry of the Indians to the Romish religion, which prevented their forsaking the French interest and adhering to the English; besides, the English had several of their principal people prisoners at Boston, of whose redemption they were very desirous, and had no hopes of accomplishing it except by a treaty of peace.

The appointment of counsellors in the charter was in consequence of the nomination made by Mr. Mather, the agent. Perhaps he was well enough pleased, in the time of it, with having it in his power to distinguish his friends some of whom he afterwards thought ungrateful to him; and those who had formerly been in, and now thought themselves injured, as soon as they were restored, shewed their resentment; and he used to say he had been more unkindly treated, from time to time, by the council than any other men in the province. The election in May, 1693, was the first opportunity the country had of shewing their own sense of Mr. Mather's nomination. William Stoughton, Thomas Danforth, John Pynchon, Elisha Cooke, Isaac Addington, William Browne, Nathaniel Thomas, John Saffin, Francis Hook and Charles Frost were elected counsellors, (the six first named had been assistants, but were left out of the charter) and Simon Bradstreet, Samuel Appleton, John Joyliffe, Adam Winthrop, Richard Middlecot, Joseph Lynde, Samuel Hayman, Stephen

Stephen Mafon, Thomas Hinckley and Job Alcot were left out of the council. Stoughton, the lieutenant-governor, had acted as a counsellor all the year 1692, although there were twenty-eight without him; the deputy-governor used to be considered as an assistant under the old charter;* but it was now thought proper to choose him one of the twenty-eight. They were not sure of always having a lieutenant-governor so agreeable to the people as he was. The governor refused his consent to Mr. Cooke. He had opposed, when he was in England, the appointment of the governor. He was however in real esteem with the people, and the negative was impolitic.

Repeated applications had been made for a naval force to be sent from England, sufficient in conjunction with land forces to be raised in New-England and New-York, for the reduction of Canada, but without success; other affairs of the war not permitting this, though deemed important, to be engaged in. In 1692, it was resolved there should be an expedition the next year.† A fleet was to be employed in the winter in reducing Martinico, and, having performed that service, was to go to Boston, there to take on board a body of land forces under Sir William Phips, and so proceed to Quebec. Had Quebec been the only object, and reasonable notice given to the colonies; there was reason to expect success. By the fleet's

* The agents thought the case to be the same under the new charter. This was the reason why in the first draught the deputy-governor as well as the council was to be annually elected by the assembly, when the governor was appointed by the crown.

† "It has pleased the king, out of his great goodness and disposition for the welfare of all his subjects, to send a considerable strength of ships and men into the West-Indies, and to direct Sir Francis Wheeler, the admiral, to sail to New-England from the Caribbee islands, so as to be there by the last of May or middle of June at farthest, with a strength sufficient to overcome the enemy, if joined and seconded by the forces of New-England. I mean such a supply of ships, men and provision as may secure a conquest of Nova-Scotia and Canada, the only means to make New-England happy and secure hereafter. There never can be such an occasion for you to assist with your best persuasion, or for the people of New-England to shew their zeal for their religion and love to their king and country. His majesty has taken care, besides the ships of war, to send you a thousand experienced soldiers, if their number be not diminished by their service in the West-Indies, under a commander who has looked the same enemy in the face, and will shew an example worthy to be followed. Sir William Phips, I suppose, will be at the head of the New-England volunteers, and will easily acquiesce, according to the rules of war, in leaving the chief command as his majesty has determined it."

Extr. from Blaythwait's letter to J. Mather, 20 Feb. 92-3.

fleet's going to the West-Indies, the whole design was blasted. If sickness had not weakened them, the force would still have been insufficient for the reduction of Martinico; but the mortality was so great, that before Sir Francis Wheeler, the commander in chief, came to Boston with the fleet, June 11th, he had buried 1300 out of 2100 sailors, and 1800 of 2400 soldiers. It may well be supposed the admiral had done with the thoughts of the Canada expedition.* The land army, perhaps, might have been recruited, but a supply of seamen could not be obtained. Besides, not the least preparation had been made; he brought the news himself of his proposed attempt. The letters dated in February, the vessel being by some means or other delayed or beat off the coast, did not arrive until July. In an affair of such importance and in a time of war, notice might well have been expected by many different conveyances. Sir Francis settled with the government a plan for another year, viz. 2000 land forces to be sent from England, and 2000 more to be raised in the colonies, the ships and forces from England to be at Canso by the first of June, where the forces from the colonies were to be ready for them; the whole force to go up the river, there to divide, and attack Montreal and Quebec at the same time. Considering the state Canada was then in, this seems to have been no injudicious plan. A rendezvous at Boston would have been known at Quebec, by persons from the frontiers, before a fleet could have gone up the river. With Canso (Cape Breton not being then settled) the French in Canada had less communication: the whole force going up the river was not less judicious. Former and later attempts have shewn, how uncertain the mutual aid would have been of an army up the river and another marching within land.

The distemper which had been in the fleet spread in Boston and was more malignant than ever the small-pox had been, or any other epidemical sickness which had been in the country before; and many families left

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* He asked the opinion of the governor and council, whether they thought the strength he then had was sufficient, and they gave their opinion that it was not.

the town and resided in the country, until the infection ceased.

The molestations upon the frontiers this year were not very great. Preparations were made for carrying on the war. Captain Convers, who had behaved well, was appointed with a major's commission to the command of the forces eastward. With a small army of four or five hundred men, he marched to Taconick, on Kennebeck, but met with none of the enemy, except one party which he surprised not far from Wells. On his return, he made some stay at Saco river; and about two leagues up the river, on the western side, near the falls, a very proper station, he built a stone fort, an irregular pentagon with a tower. This was in the heart of the Indians' hunting ground at that time, and was thought to have accelerated a treaty of peace. An apprehension prevailed among them, at the same time, that the Iroquois, instigated by the English, would fall upon them.

Thurry, a French missionary at Penobscot, spared no pains to prevent it, but they were ineffectual. The Indians sued for peace, and the English were glad of a respite from war. Pemaquid being appointed for the place of treaty, on the 11th of August the articles were signed, and hostages delivered by the Indians as a security for their fidelity. This security could not be obtained from them in later treaties. It was ineffectual at this time.

Charlevoix has not truly represented this transaction. He may have been misinformed by the Indians who have always kept from the French, as far as they could, the submissions made to the English. He says, Sir William Phips had engaged a few of the Abenakis to a sort of an accommodation, and that two of their chiefs in the month of May* had promised that they would conclude upon articles of peace, and gave two hostages for the performance of their promise; and that Phips came in person to Pemaquid to have finished the affair, if de Villieu, a French officer, had not by his diligence prevented; for being seconded by the priest Thurry, he found out the secret of

recovering

[* Phips was at Pemaquid in May, 1694, and there obtained from Madockewando a deed of the lands at St. George's river. See Waldo's defence of Leveret's claim, 1736, p. 24.]

recovering Madockewando, who had declared in favour of the English, and prevailed upon him to raise two hundred and fifty men and make a descent upon Piscataqua river, 36 miles from Boston. Charlevoix has brought the treaty, made in 1693 into 1694, and by calling it only a proposal for a treaty, has given a gloss to the whole affair, and extenuated the perfidy of the Indians in their hostilities soon after, and the guilt of the priest in exciting them.

Upon the western frontiers, in the summer of this year, the Indians, led on by the French, made what the latter call *la petite guerre* upon our new settlements, but forces constantly kept up prevented any remarkable destruction.

Whilst the government had their hands and hearts full in providing for their own defence, they were called upon to provide their quota of men for the defence of New-York. Mr. Stoughton, in Sir William's absence eastward, excused the province from concerning itself therewith, in a letter to Lord Nottingham, Oct. 20, 1693.

“ I CRAVE leave further to acquaint your lordship, that the governor of New-York having written unto his excellency the governor here, signifying his appointment of a meeting at New-York, upon the first Wednesday of this month, of commissioners from the several governments of New-England, Virginia, &c. to concert and agree upon a certain quota of men and money for the defence of Albany, &c. in observance of their majesties' commands ; it happened to be at such a time and under such a conjuncture of affairs here, that no meet persons could be procured to attend that Congress. Much may be said to excuse this province from contributing towards the charge of maintaining and defending the frontiers belonging to New-York, being at such a considerable distance from the frontiers of this province far more large and expos'd, which have been defended and maintained at their own charge, and many thousand pounds more spent in the support and defence of New-Hampshire. Were the whole account of the charge of the war to be proportioned among the several colonies, it would plainly appear, upon a right computation, that we have not been so forward to com-

plain of the burden as some of our neighbours ; but it is hoped a true and impartial representation of this matter will apologize for us unto their majesties, that we be not included in the charge at New-York.”*

Sir William Phips’s rule was short. His conduct, when captain of the ship of war, is represented very much to his advantage ; but further talents were necessary for the good government of a province. He was of a benevolent, friendly disposition ; at the same time quick and passionate. A close attachment to his friends engaged him in a dispute with the collector of the customs ; and provocation, both from the collector and the captain of a man-of-war, caused him to break out into some indecent fallies of passion and rage, and to treat both of them in such a manner as was dishonourable to him. Mr. Brénton, a young gentleman of a principal family in Rhode-Island government, had been appointed collector for the port of Boston. This was before the establishment of custom-houses in the plantations by act of parliament. The people thought it enough to enter and clear at the naval-office, and questioned the authority of the collector.† The governor being the naval-officer, and acting by his deputy, did not discountenance this opinion of the people.

A vessel

* A new appointment was made in 1700, in which Massachusetts and New-Hampshire were left out. Neither of them had the intended effect. New-York had suffered greatly by the destruction of Schenectady, and Albany was thought to be in danger. These apportionments were principally for the sake of that province. The next war they provided for their own security by a neutrality which carried the whole force of the enemy upon their neighbours.

† Under the first charter the acts of trade had not been duly regarded. In 1681, Edward Randolph came over with a commission as collector. Soon after the general court passed a law for erecting a naval office, which Randolph represented as done in opposition to him. After the charter was vacated, divers vessels from Malaga, &c. were seized and condemned for illicit trade, and Randolph makes no complaint of being impeded in the execution of his office during that time ; but upon his return to England after the revolution, he gave in a list of near thirty vessels which had been guilty of breaches of the acts of trade, and prayed that he might be restored to the office of collector ; and the agents were required by the lords of the council to make answer. They denied the fact as to many of the vessels, and exculpated the government as to the rest, alleging that the general court had declared that they would strictly observe the acts of trade, and, that none might plead ignorance, had ordered them all to be published. Sir William Phips appointed one Benja. Jackson naval-officer. The fense of the people upon the officer of collector will appear from the following extract of a letter to the agents.

“ Mr. Brenton, their majesties’ collector, has been endeavouring to impose upon the government, by obliging all masters of ships and other vessels to enter and clear with him, thereby burdening the people with unnecessary and unreasonable fees, of which

A vessel arrived from the Bahama-islands with a load of fustic, for which no bond had been given. Col. Foster, a merchant of Boston, a member of the council, and fast friend to the governor, bought the fustic at such price that he was loth to give up the bargain. The collector seized the vessel and goods; and upon Foster's representation to the governor, he interposed. There was at that time no court of admiralty. By the charter, the king reserved admiralty jurisdiction, but no court had been constituted. I have a manuscript, sent at that time to England, which says, the governor imagined, that, by virtue of his commission for vice-admiral, he had a right to sit as judge, and that he condemned several prizes, and among the rest the St. Joseph, brought in by a privateer of the Leeward-islands, which the captain would have carried thither for condemnation, but was not permitted. Be this as it may, it is certain that Sir William took a more summary way of deciding this case, and sent an order to the collector to forbear meddling with the goods; and upon his refusal to observe orders, the governor went to the wharf, and, after warm words on both sides, laid hands upon the collector, but with what degree of violence was controverted by them. The governor prevailed, and the vessel and goods were taken out of the hands of the collector.

There had been a misunderstanding also between the governor and captain Short, of the Nonesuch frigate. In their passage from England, a prize was taken; and Short complained that the governor had deprived him of part of his share or legal interest in her. Whether there were grounds for it, does not now appear. The captains of men-of-war, stationed in the colonies, were in those days required to follow such instructions as the governors gave them, relative to their cruizes and the protection of the trade of the colonies; and the governor by his commission had power, in case of any great crime committed

by

which complaints have been frequently made. We do not find any act of parliament requiring the same, there being nothing of the growth or produce of this province from whence any customs arise, and the governors of the several plantations are especially enjoined by law to take care that the acts of trade and navigation be duly observed, under a severe penalty for their neglect." *Letter to H. Ayliff and C. Phips, Feb. 21, 1692-3.*

by any of the captains of men-of-war, to suspend them, and the next officer was to succeed. The governor required captain Short to order part of the men belonging to the Nonesuch upon some service, which I do not find mentioned, probably to man some cruiser, there being many pickeroons about the eastern coast, but he refused to do it. This was ill taken by the governor; and meeting captain Short in the street, warm words passed, and at length the governor made use of his cane and broke Short's head. Not content with this, he committed him to prison. The right of a governor to commit by his own warrant had not then been questioned. From the prison he removed him to the castle, and from thence on board a merchant vessel bound to London, to be delivered to the order of one of their majesties' principal secretaries of state; giving the master a warrant or authority so to do. The vessel by some accident put into Portsmouth in New-Hampshire. Sir William, who seems to have been made sensible of some irregularity in these proceedings, went to Portsmouth, required the master of the merchantman to return him the warrant, which he tore to pieces, and then ordered the cabin of the ship to be opened, secured Short's chests, and examined the contents. Short was prevented going home in this vessel, and went to New-York, to take passage from thence for England; but Sir F. Wheeler arriving soon after at Boston sent for him and carried him home with him. The next officer succeeded in the command of the ship, until a new captain arrived from England. Short was restored to the command of as good a ship. Brenton's complaint was made to the lords of the treasury about the same time, and referred to the board of trade, and both came before the king, who was solicited immediately to displace the governor. This the king refused to do without hearing what he had to say in his defence; and he was ordered to leave his government, and make an answer in England. The governor's friends in New-England excused him by the great provocation he received, both from the captain of the man-of-war and the collector. This would serve better to excuse a private person than the governor of a province.

ince. The prejudices were great against him in England. Mr. Dudley, who was upon the spot and desired to succeed him, heightened them. There was a strong party against him also within the province. By negativing Mr. Cooke, he had made many of those who had opposed all measures, except the restoration of the old charter, to be his enemies. Dudley had been trying to reconcile himself to his countrymen ever since the revolution: he had great family interest. Stoughton, the lieutenant-governor, retained his friendship, and secretly corresponded with him, and was very cold in Sir William's interest.* They who had been in favour of the charter were for him. They were the most numerous, but not most active and zealous. The private letters sent to England were generally against him. He had a hard task to keep a majority of the general court in his favour. An address was proposed and carried in the house of representatives, humbly praying his majesty that the governor might not be removed; but of fifty members present, twenty-four voted against it.† The non-resident act was not then in force; and it appeared that most of the inhabitants of Boston, who represented towns in the country, were against the address. The party in favour of the address, to prevent further trouble, if there should be further occasion for any thing to be done in favour of the governor, brought into a bill, which was then before the house, a clause restraining towns from choosing any person to represent them in the general court other than freeholders and residents within such towns. This provision is generally looked upon as a privilege, and a point gained by the people; but it certainly was occasioned by what is commonly called the prerogative party in government,

* "In my last I inclosed the copies of several complaints against your governor, Sir William Phips. I am sorry to see you weakened by your own hands, and those friends among yourselves that design the interest of the country so little agree in the means and manner of doing it. You are reproached here, that your governor is of one opinion, your deputy-governor of another, and that the negative voice is used to keep out a third person from your council; and yet you all seem to design the same end. By these measures, your enemies get ground of you, and laugh and scoff at you." *Letter from Sir H. Akeley, Jan. 30, 1693-4.*

† M. S.

ment, and however salutary, was designed as an abridgment of liberty.* Sir William left Boston the 17th of November.

An injudicious use of power produced, what were judged by the crown, necessary regulations, sooner than perhaps they would otherwise have been made, viz. the establishment of a judge of admiralty,† powers to the officers of the customs, and the oath to the governors by the 7th and 8th of William; and the remembrance of this, together with other acts of plantation governors, might also cause the power over the ships of war to be taken from them, although it was suffered to continue some years after this time.

The

* "It was very surprising to me to see the laborious methods taken to obtain an address from the general assembly here, for the continuance of Sir William in the government. The opposers were gentlemen principally of Boston, who were too near Sir William to think well of him, but served in the house for several towns and villages at some distance, where some of them were born, and others had their estates and improvements above any dwellers in the place for which they served. To be rid of them all at once, a bill was brought in, or rather a clause brought into a bill that no man whatsoever should serve in the house of commons for any town, unless where he did at that time live and dwell, which passed with the dissent of twenty-four, the whole house consisting of fifty, and with some heat in the upper house. Sir William hereupon rushes into the house of commons and drives out the non-residents, and I am mistaken if either for estates or loyalty they left any of their equals in that house."

Letter to London, Nov. 1, 1694.

Douglas, whose foible it was to speak well or ill of men very much as he had a personal friendship for them, or had a personal difference with them, of which I may instance more especially in his most elaborate endeavours to set Mr. Shirley in a disadvantageous light, his laboured encomiums of several I choose to avoid mentioning, because for some of them he had other foundation, had taken up a prejudice against the two Mathers, father and son, and remarks upon the occasion of this act, "It is said that anno 1693, there were some Boston gentlemen representatives for some of the out towns, but not agreeable to the reverend I. Mather. Mr. Byfield for Eristol is mentioned. Mr. Mather, of great interest with the weak governor Phips, and with the devotionally bigotted house, procured this act."

† "I find great offence taken at your governor Phips, for beating the captain of the man-of-war there for not yielding his shipmen to the governor's command elsewhere. My son seems to apprehend him a person not competent to be a governor, for so doing; and, as a commissioner of the admiralty, seems to indulge the captain's complaint, and reflect upon the governor as an act misbecoming his post. I fear the consequence of this prejudice against the governor by our admiralty commissioners espousing the captain's interest against him, which I doubt will be; and my son seems to reflect upon the whole plantation, for choosing a governor of no better principles or practices than to forget himself so far as to cane or strike a commission officer, none of his, which will much provoke the admiralty to send a judge thither, of and for the admiralty, not the governor to take his post." *Sir Nath. Rich to I. Mather, London, Jan. 25, 1693-4.*

Sir N. Rich probably misunderstood his son; the immediate motive to the appointment of a judge of admiralty was not the caning of the captain, but the governor's improper use of admiralty power.

The government falling into Mr. Stoughton's hands, upon Sir William's leaving the province, seems to have been administered by him to good acceptance in England, and to the general satisfaction of the people of the province. The rule of a lieutenant-governor it is expected will be short ; it is scarce worth while to form parties against him within the government ; and if there should be any misrule, which requires check or censure from England, it is of less consequence, his authority being so soon to be superseded. This is not the only reason why the administration of Mr. Stoughton and one of his successors, Mr. Dummer, have been generally well spoken of. They had each of them spent some time in England, and better knew what conduct would be approved of there ; they were well acquainted with the tempers of their own countrymen ; each of them, very prudently, rather aimed at an easy quiet administration, than at any thing great and striking ; considering themselves as at helm, to kep the ship in its steady course ; they seldom relied wholly upon their own judgments, acting in the most common affairs by advice of council, which serv-ed as a justification of any measures which might be un-popular, or in which there might be any mistake, and yet took not away the credit of such as proved to be well judg-ed, and were generally applauded. At the first election, Mr. Cooke being chose of the council, although he had ever been of the party opposite to the lieutenant-governor, yet he approved of the choice.

The treaty, last year, at Pemaquid, had produced near a twelvemonth's quiet to the frontiers. The French did not intend it should last so long. They kept the Indians from restoring the prisoners according to their engage-ments. The hostages were no security whilst the Indians had a much greater number of the English in their pow-er. New hostilities therefore were every day expected. At length, the 18th of July, they fell with fury upon a village at Oyster-river, in New-Hampshire province, killed and carried away ninety-four, some accounts say about one hundred men, women and children. This was a heavy blow. The English represent the enemy as a very great army.

Charlevoix

Charlevoix says there were two hundred and fifty of Penobscot and St. John's Indians, besides some of father Bigot's mission,* and only one Frenchman. He adds, that two hundred and thirty English perished. His account of the number of the enemy is most to be depended upon ; and our account of the loss we sustained. Madockewando, a Penobscot, who was the head of the party, went with the body of his countrymen to Quebec, and presented the scalps to Frontenac, the governor of Canada.† We hear nothing of prisoners. Toxus, the Norridgewock chief, with about forty of that tribe, marched along towards Merrimack-river. In their way, after an unsuccessful attempt upon the house of one Blackford, they murdered Mrs. Cutt, the widow of president Cutt, and three of her people, at her farm house. Having crossed Merrimack, on the 27th of July they fell upon Groton, about forty miles from Boston. They were repulsed at Lakin's garrison house, but fell upon other houses, where the people were off their guard, and killed and carried away from the vicinity about forty persons. Toxus's two nephews were killed by his side, and he had a dozen bullets through his blanket, according to Charlevoix, who adds, that he carried the fort or garrison and then went to make spoil at the gates of Boston ; in both which facts the French account is erroneous.

In August, some stragglers killed ten or eleven persons at Spruce-creek and other parts of Kittery, and knocked in the head, scalped and left for dead a little girl named Downing, about seven years old, who was found alive the next morning, and lived many years afterwards ; and September the 4th, Joseph Pike, a deputy-sheriff, and another person with him, were shot down between Almsbury and Haverhill.

After all these outrages, Bomazeen, a noted Norridgewock chief, one who had signed the treaty at Pemaquid, and yet was afterwards a principal actor in the carnage upon the English, came straight to Pemaquid with a flag of truce, pretending he came from Canada with several more who were in company with him, and that he was very sorry

* Norridgewocks.

† Charlevoix, lib. 15.

sorry for what had happened.* The commanding officer at the fort considered them as rebels, and sent them to Boston, after a promise or encouragement given them of safety. The French called this English treachery.† The government of Massachusetts supposed, that for their perfidy they were to be treated as land-pirates and murderers. Be it so, yet the public faith given to them is not to be violated. This is one of those actions which have caused the English to be charged with injuring the Indians and provoking them to all the cruelties which have been committed, as a just return. I do not undertake to justify it; but think, that instead of imprisoning Bomazeen and the rest for several months at Boston, they ought to have been set at liberty, whether we consider the affair in a moral or political view. I know of no other action of this sort which can be justly charged upon the government.† We shall

* "November 19, Bomazeen, with ten or a dozen Indians, called over the barbican, desiring to speak with Capt. March, and set up a flag, by which they did implicitly own themselves enemies and breakers of the peace. We did not put out ours until an hour or two after theirs; would have perfwaded them there was no reason for it; that flags were used between enemies in time of war, not friends in time of peace; minding them of the late agreement at Pemaquid; but they called earnestly for it. We resolved to seize Bomazeen at any rate, except positive violation of promise. We made no other promise before he came over but that he should be welcome, we should be glad of his company, would treat him kindly, and do him no hurt. After he was seized, we told him the same, and observed it punctually, so long as he staid here; but withal told him we must know who did the mischief at Oyster-river and Groton, &c. of which they made themselves ignorant; why the peace was so soon broken and by whom; that they must go to Boston and abide there till Sheepscote John was sent to fetch in the other Sagamores, and then they should come again with some of the English to treat, &c. We thought it not unlawful, nor culpable to apprehend such perfidious villains and traitors (though under a white rag) that have so often falsified their promise to the English, viz. at Coche-co, at Casco fort, at Oyster-river and other places; that make no conscience of breaking the peace whenever it serves their turn, although never so solemnly confirmed with subscriptions and oaths. They have no regard to the law of nations, and therefore deserve no human respect. Besides, we are credibly informed, they came with a certain design to betray their majesties' fort here, under pretence of trade, friendship, &c. and so they are fallen into a pit of their own digging. Neither did we aim at any thing more than their detainment as prisoners, supposing some advantage might accrue to the poor captives, if not the country thereby. If your honours judge it not fairly done, they are now in your hands to dispose of and deal with them as may be for their majesties' honour, and as the circumstances of the case require." *Letter from John Pike to gov. & council, Pemaq. 7 Jan. 1694.*

† Charlevoix.

‡ Mention is made of a descendant of D'Aulney, governor of Acady, who scattered a mungrel breed in that part of the country, and several others coming in to Saco, at the same time Bomazeen came to Pemaquid, and, Charlevoix says, they were all killed; but I can find nothing of it in any English accounts or papers.

shall be obliged to relate more unjustifiable actions of some particular inhabitants.

Sir William Phips, upon his arrival in London, was sued, by Dudley and Brenton, in actions of twenty thousand pounds damage. Sir Henry Ashurst bailed him. What were the grounds of Dudley's action does not appear. Sir William urged in his defence against Brenton, that there was no custom-house established in the plantations by act of parliament, and that Brenton had no authority to compel masters to enter and clear with him, the naval-officer, then known and established by act of parliament, being the only proper officer for that purpose.

Captain Short exhibited no articles in form. Sir William's friends in New-England supposed his affairs in England would have been all accommodated, and that he would have returned in a short time to his government, if death had not prevented. He laid his arrest so much to heart, that it was supposed to have brought upon him or increased the sickness of which he died the 18th of February, 1694-5.

After Mr. Mather and the other agents who solicited the settlement of the government left England, Sir Henry Ashurst alone appeared as agent. In 1693, Constantine Phips (afterwards lord chancellor of Ireland) was joined with Ashurst, and both instructed by the general court. They were both of them friendly to Sir William.

Mr. Dudley had been making friends, with a view to supplant the governor while he was living; and, upon his death, solicited for the government with fresh vigour and application.* Without losing his old friends, he successfully

* "Mr. D—— thought himself as sure of being governor, as you are of my friendship. He had laid it with the D. of Leeds, Sidney, Blathwait and my lord Cutts, who hath made Portland entirely for him, and the matter settled, and poor Sir William Phips arrested in an action of £20,000, by Mr. D's and Mr. B's affidavits, for which I was bail. I have been opposing your grand enemies, who have got all those letters to recommend him from your ministers. I hope he will trouble you no more. The reversing of Leisler's attainder hath I hope a train of good consequences. I shall never do New-England so much good as by getting this bill passed. I hope the door is nailed against him, and you will have the earl of Bellamont governor. I could not believe what Sir William Phips told me of Mr. Stoughton and Mr. Addington. I perceive I had wrong notions of things." *Sir H. Ashurst's lett. to Mather, May 5, 1695.*

"I drew a bill for reversing the attainder of Capt. Leisler, Mr. Milburn and Mr. Governeur, which passed the lords without opposition; but when it came to the commons,

fully applied himself to bring over some who had been his violent enemies. He recovered the favour of many of the ministers in New-England, and recommended himself, by a grave serious deportment, to the dissenters in England ; whilst, at the same time, by his good sense and polite behaviour, he acquired the notice and esteem of many considerable persons at court. His income was very moderate ; and yet, with economy, he made a decent appearance in England, and gave several of his children education there, whilst the rest of his family was supported by him in New-England. A vacant government had divers candidates, but it looks as if he would have carried it from the rest, if it had not been for the opposition made by the two agents for the province, Ashurst and Phips, who were obliged to urge against him the share he bore in the trial and condemnation of Leisler, at New-York ; and for the sake of laying open that affair to the prejudice of Dudley, they both of them promoted a bill in the house of commons, of which Ashurst was a member, for reversing Leisler's attainder. Mr. Dudley could stand it no longer, and withdrew his solicitations for that time ; and soon after, by the interest of lord Cutts, obtained the place of lieutenant-governor of the Isle of Wight, of which his lordship was then governor. From that time, lord Bellamont was looked upon as the governor of Massachusetts, although he was not actually appointed until the next year.

The acts of trade had been very little regarded in any of the colonies. Buccaneers or pirates, who in times of peace made their depredations upon Spanish ships and settlements in America, were very numerous. They brought their plunder chiefly to New-York, and some to other colonies. With a view to put a stop to these mischiefs, the earl of Bellamont was pitched upon as the most proper person

commons, Dudley, having notice of it, made all the opposition to it imaginable, which was the thing we desired ; for by that means, we had several hearings before a full committee of the commons, and had the opportunity of giving a full account of those proceedings, and letting the world see how great a part he acted in that tragedy. Since that, he is not so much as talked of to be governor, but the three competitors are, the earl of Bellamont, major Bremin and colonel Layton, and I believe my lord Bellamont is the most likely to have it." *Conſt. Phips to I. M. May 5, 1695.*

person for the government of New-York,* and, probably, to make the appointment worth accepting, as well as to render the other purposes more effectual, Massachusetts and New-Hampshire were put under the same person.

The year 1695 passed away with less molestation from the enemy than any year since 1688. In the spring, they killed one of the soldiers belonging to Saco fort and carried another away captive. A mortal sickness prevailed among the Indians, and the French found it impracticable to send them out in parties upon our frontiers. Their attachment one to another equals that of more civilized nations. Besides the hostages they had given in 1693, the Indians seized at Pemaquid were in the prison at Boston; Bomazeen in particular they greatly valued, and they were ready to submit to almost any terms to obtain their relief. The French represent the English as treating the hostages and prisoners with cruelty; but there was no other cruelty than a confinement in a prison in Boston, which it must be acknowledged was a very bad one. The English were not less desirous of peace than the Indians, if they could have had any security for the continuance of it. One of the hostages, Sheepscote John, undertook to go from Boston as a mediator, and, by his influence, fifty canoes of Indians came within about a league of the fort at Pemaquid, the 20th of May, and sent in eight captives; acknowledged their fault in violating the last treaty, and proposed the release of captives on both sides, and the establishment of a durable peace. A truce of thirty days was agreed upon, and commissioners were to come from Boston, to settle the terms of the peace. The commissioners, colonel Philips, lieutenant-colonel Hawthorn and major

* "It is well known, that, for several years, two very pernicious things have been growing in our American colonies; an unlawful trade, in fraud of the acts of navigation, infinitely prejudicial to England, and the cursed practice of piracy, utterly destructive of all commerce. In the beginning of the year 1695, his majesty thought fit to name the earl of Bellamont to be governor of New-York, a place remarkably infected with these two dangerous diseases. The earl has often told me, that what the king said to him, when he first let him know his pleasure, was that which principally induced him to accept of the employment. His majesty did him the honour to say, he thought him a man of resolution and integrity, and, with those qualifications, more likely than any other he could think of to put a stop to that illegal trade, and to the growth of piracy; for which reason he made choice of him for that government, and for the same reason intended to put the government of New-England into his hands."

ajor Convers soon after met delegates from the Indians at Pemaquid, but refused to enter upon any treaty with them until all the English in their hands should be delivered up. Bomazeen, their great warrior, and some others, were left in prison at Boston. The Indians looked upon themselves not well used ; sensible that when they had parted with all their prisoners, they should have no way of obtaining the release of their own people, except by a new set of captives. They therefore refused to treat any further, and left the place abruptly. The government, I imagine, expected that, by retaining some of the Indians as hostages, some restraint would be laid upon the rest, from exercising cruelty towards English prisoners, seeing we should have it in our power to retaliate it upon their own people ; and chose rather to risk the continuance of the war than part with this security.

Charlevoix, who supposes the lieutenant-governor, Stoughton, to have been there in person, says, “ the Abenquis insisted upon the release of their brethren, who were detained in violation of the flag of truce and the laws of nations, and Stoughton only returned bloody reproaches for their late hostilities, and terrible threats if they did not deliver up the authors of them. The Indians were as stout as he was. At length both sides began to soften. Stoughton was not willing to drive to extremity a people who had formerly known how to make themselves a terror. They were desirous, at any rate, of recovering their relations out of the hands of the English ; being fully determined, that when they had accomplished their ends, they would revenge the blood of such of them as had been murdered ; but perceiving that, whilst they were in treaty, the English were preparing to surround them, they ran to their arms.” This, no doubt, was the account they gave to their priest, when they returned home.

Immediate notice was given to the frontiers to be upon their guard, but this did not prevent spoils upon divers places. In July, major Hammond, of Kittery, was taken prisoner and carried to Canada, but, being above the ordinary rank of the Indian captives, he was very kindly used by count Frontenac, the governor ; and soon return-

ed in a vessel which went from Boston for exchange of prisoners. In August, they killed and took fifteen at Billerica, and plundered the house of — Rogers, and soon after surprised and killed the serjeant of Saco fort. In September, they killed four, and wounded six, belonging to Pemaquid fort. In October, they came upon the house of John Brown, of Newbury, and carried away nine persons; but being pursued and overtaken in the night, by a party under captain Greenleaf, they first tomahawked all their prisoners, which effectually prevented them from joining the pursuers, and then took to their heels and escaped. Some of these unhappy prisoners lived several months, and some more than a year; but all finally died of their wounds, except a lad who happened to be wounded in the shoulder, and not in the head, as the rest were.

The winter of 1695 proved a time of rest to the frontiers. Their only fears in the winter were from an army or large body of the enemy, sufficient to resist any force, which could be collected before they had done their mischief and had time for a retreat. Small parties would be in hazard, when they could be tracked upon the snow. The spring of 1696 opened as usual. In May, a poor fellow, who had been a captive before, and made his escape, was killed at Cochecho. In June, three women, sisters, going with their husbands from York to Wells; one of them, wife of Thomas Cole, with her husband were shot down, the others escaped. In the same month, several houses were burnt by the enemy, within the limits of Portsmouth; twelve or fourteen of the inhabitants were slain, and four taken prisoners. One woman was supposed to be left dead, and her scalp was carried to Canada, as the evidence of it; but those who went out to bury the dead finding her alive, carried her home, and she recovered. The Indians generally are content with a piece not larger than the palm of the hand, from the top of the crown; and, if it was not for the blows of the tomahawk, many might have survived the operation of the knife. Some, who have lost the skin from the whole crown, have recovered and lived many years.

In July, they attaked Cochecho again, a plantation which often suffered ; killed three of the inhabitants, as they were going home from public worship, wounded three more, and carried other three away prisoners to Penobscot.

We have taken no notice of Nova-Scotia, although included in the bounds of Massachusetts charter ; the inhabitants in general for several years having been under the power and command of the authority sent from France ; but, this year, the affairs of that and of the other parts of the government are more interwoven.

After the conquest of that province, by the Massachusetts colony in 1690, the French in Europe gave themselves but little concern about the recovery of it, and the English as little about its preservation or security. Massachusetts was unable to bear the charge of a sufficient military force to keep the inhabitants in subjection : she gave commissions to judges, justices and other officers, and required oaths of fidelity ; and, in 1691, gave power and authority to Mr. Nelson, who was bound there from Boston upon a trading voyage, to be commander in chief in Acadie ; but when he came near the river St. John's, he was taken by monsieur Villebon, who, having a commission from the French king, had been in to Port-royal and ordered the English flag to be struck and the French flag to be hoisted there, but intended to make St. John's the place of his residence, and took possession of it, where he carried on great trade with the Indians, supplying them with warlike stores, provisions, &c. without which they could not have carried on the war. In 1692, soon after Sir William Phips's arrival, an attempt was made by the province, with a small naval force, to remove Villebon ; but it proved unsuccessful. In 1695, captain Eams, in his majesty's ship Sorlings, was sent from Boston to intercept the stores with which Villebon every spring had been furnished from France ; but the French ship happened to be of greater force than usual, and, after an engagement at the mouth of the river Eams, was glad to retreat. It seems that until now the inhabitants of Massachusetts looked upon

upon themselves as in some sort of possession, and that there had not been an entire revolt of the whole province; for this year, the general court, from a sense of their inability to protect it, petitioned the crown that the province might be freed from any further expense in the defence of Port-royal or St. John's, and that garrisons might be kept in both those places, at the charge of the nation. This, perhaps, might be deemed a refusal to exercise jurisdiction over that part of the province, and a renunciation of their right; and accordingly, after the treaty of Utrecht, when possession was returned to the crown, it was settled a distinct province; otherwise, *jus postliminii* might have taken place, as well with respect to the rights of a body corporate as those of particular persons.

The disappointment last year, which the Sorlings, a single ship, met with, occasioned the force to be doubled this year, to effect the like purpose. Captain Paxton, in the Newport, came to New-England in company with the Sorlings,* and both ships were ordered, together with a yacht or tender in the province service, to lay off the river St. John's to wait the arrival of the store-ship. It happened, unfortunately, that the French at Quebec were, at the same time, fitting out two men of war, with the addition of two companies of soldiers and fifty Michmack Indians, in order to reduce the New-England fort at Pemaquid. These ships were of superior force to the English ships, and Iberville,† an experienced officer, commanded. When they had put into a port upon their passage, Villebon, from St. John's, informed them of the situation and circumstances of the small English fleet. They went immediately in quest of them, and came upon them when they were not expected. The Newport, after the loss of one of her topmasts, surrendered. A fog arose, which gave the Sorlings and the tender an opportunity for their escape, and they returned to Boston, with the news of this second disappointment. The French commander, being strengthened with the Newport, went in to St. John's, and there refitted. From thence, he proceeded to Penobscot, where

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* In 1694.

† This was not the Iberville who laid the foundation of the French colony at Misssipi in 1690. He died in a year or two after that.

the baron St. Castine was waiting for him, with two hundred Indians. The whole force arrived before the fort at Pemaquid, the 14th of July. Captain March, who was a good officer, had resigned the command of the fort a few months before, and was succeeded by a very different man, captain Chubb. Iberville, upon his arrival, sent a summons to surrender. Chubb returned a vain foolish answer, "that if the sea was covered with French vessels, and the land with Indians, yet he would not give up the fort." The Indians thereupon began their fire, and return was made by the musketry and with a few cannon from the fort. This brought the first day to a close. In the night, Iberville landed his cannon and mortars; and the next day, before three in the afternoon, had raised his batteries and thrown five bombs into the fort, to the great terror of Chubb and the garrison. Castine, about this time, found some way of conveying a letter into the fort, and let them know that, if they delayed surrendering until an assault was made, they would have to do with savages, and must expect no quarter, for he had seen the king's order to Iberville to give none.* This did the business; the chamade was beat immediately, and the fort was surrendered, upon the terms offered by the French, that the garrison should be sent to Boston and exchanged for the like number of French and Indian prisoners; only, a special security or engagement was insisted upon from the French commander, that their persons should be protected against the rage of the Indians.

Chubb's conduct was universally censured, and at first he was put under an arrest, but came off without any other punishment than being laid aside. The fort had fifteen cannon mounted, and ninety able men to manage them, and no want of ammunition or stores. The French suppose, that if there had been a brave defence, the event would have been doubtful; at least, that the fort could not have been carried without a great loss of men; and attribute the surrender to the cowardice of the garrison, who compelled the commander to act contrary to his

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* Original letter in Castine's hand writing.

own inclination.* This makes the acquisition to appear of more importance.

After all, there is room to doubt whether a better garrison could have withstood that force, until relief might have been afforded from Boston. The French were provided with cannon and mortars, were numerous enough to resist any fallies from the garrison, without interrupting the siege; there were no casemates nor other shelter for the men, and the magazine itself was bomb proof in one part of it only, which was under a rock.

The reason of the garrison's requiring an extraordinary caution against the rage of the Indians, was this. They were conscious of their own cruelty and barbarity, and feared revenge; and a security from it might probably hasten the surrenders, lest it should afterwards not be in their power to obtain it. In the month of February before, Egeremet, a chief of the Machias Indians; Toxus, chief of the Norridgewocks; Abenquid, a sagamore of the same tribe; and several other Indians came to the fort, to treat upon exchange of prisoners. Chubb with some of his garrison fell upon the Indians in the midst of the treaty, when they thought themselves most secure, murdered Egeremet and Abenquid with two others. Toxus and some others escaped, and some remained prisoners; one Indian was found in the fort, in irons, when the French took possession of it. Such was the fury of Castine's Indians, that there was no way of securing the garrison but by removing them to an island, under a constant guard of French troops, until provision was made for transporting them to Boston. Some writers palliate and seem inclined to justify this action of Chubb. Surely, the cruelty shewn by the Indians to the English must have biased and blinded them. Private letters, which passed at this time between some of the best men in the province, condemned it as an horrid piece of villainy.

The French remained at Pemaquid until the 18th of July, demolishing the fort, (their plunder was small) and then went to Penobscot, where they tarried until the 3d of September.

When

* Charlevoix.

When the news of the loss of the man-of-war and of the fort came to Boston, it was expected the enemy would proceed westward as far as Portsmouth. Five hundred men were raised without delay, and marched thither, to be ready for the defence of New-Hampshire. Two men of war, the Arundel and Orford, arriving at the same time at Boston, a detachment from the militia was sent on board them, to serve as marines; and these ships, together with the Sorlings, and a merchant ship of twenty guns, and a fire-ship taken up by the province, were sent in quest of the enemy, and came in sight of them just as they sailed from Penobscot. The French, who were well acquainted with the coast, kept their ships close in shore. Whether the English were afraid of the coast, or were too far astern, or did not make sail enough, does not appear; it is certain they did not come up with them the first day, and the next day being foggy, they reached St. John's river, and the English vessels returned to Boston. The French account* takes no notice of the fog, makes the five English vessels seven, and says, they steered for St. John's river, whilst the French fleet went to Cape-Breton and from thence to Newfoundland. The French writers supposed two expeditions to have been but one, and imagined a number of small vessels, under colonel Church, were the same which pursued Iberville. As the Orford was returning, she met with a French shallop belonging to St. John's, with twenty-three soldiers under Villeau, their captain, and brought them prisoners to Boston. Charlevoix seems to mistake Villebon for Villeau, and, finding him soon after at St. John's, defending his fort, he takes it for granted he must have been released, as having a passport and not liable to be retained.

When Mr. Stoughton found the enemy was gone back to the eastward, he ordered colonel Church, who had the command of the five hundred men at Portsmouth, to embark them on board brigantines and other small vessels, and to range along the eastern shore. Church saw none of the enemy, except now and then an Indian canoe, until he came to Penobscot, where he did not arrive until after

the French fleet had sailed, and the coast clear. Not being willing to return without doing some service, he resolved to know the condition of the province of Nova-Scotia, and sailed directly up to Chignecto or Beaubassin. Upon the discovery of the English forces, most of the French inhabitants left their houses and fled into the woods. The English pursued, and soon met Bourgeois, (Church calls him Bridgman) a principal inhabitant, coming to ask quarter for himself and family; which was readily granted. Upon his examination, it appeared that there were Indians mixed with the French in the woods, and orders were thereupon given to renew the pursuit, and to offer quarter to all the French, but to give none to the Indians. Bourgeois was ordered also to give notice to all his countrymen who would come in, that they should be well received. Many of the inhabitants came in, and it was proposed to them to join with the English in pursuing the Indians, and upon their complying their houses should be spared, what of their goods had been taken should be restored, and the rest of their substance preserved. This was a hard condition and in effect obliging them to quit their country, for otherwise as soon as the English had left them without sufficient protection, the incensed Indians would have fell upon them without mercy. They therefore refused to comply; and their houses were thereupon burnt, and their cattle, sheep, &c. destroyed, and their goods became plunder for the army,

Charlevoix says, that Bourgeois produced a writing, by which Sir William Phips had given assurances of protection to the inhabitants of Chignecto, whilst they remained faithful subjects of king William; and that Church gave orders that nothing in their houses, &c. should be touched; but whilst he was entertained by Bourgeois, together with the principal officers, the rest of the army dispersed themselves among the other houses and behaved as if they had been in a conquered country. This may be true. Men raised from the militia of any country, until they are used to discipline, are seldom exemplary for due subordination. Charlevoix adds, that many of the inhabitants, not trusting to the promises of the general, refused

refused to come in, and that it was well they did ; for soon after, he broke through all bounds, and left only the church and a few houses and barns standing, and having discovered, posted up in the church, an order of Frontenac, the governor of Canada, for the regulation of trade, he threatened to treat them as rebels, set fire to the church, and the houses which he had before spared and which were now all reduced to ashes ; and having done this, he presented a writing, which he told them was an acknowledgment of their having renewed their subjection to king William, and would be a security to them in case any English should again land among them.

The condition of these Acadians was truly deplorable. Their natural attachment was to the French. They were bigotted to the Roman Catholic religion, in proportion to the meanness and other disadvantages of their education. Commerce, small indeed, led them to some connexion with the English. For a whole century together, they were, once in a few years, changing their masters ; and no sooner had owned themselves the subjects of one crown, but they were left to fall again under the power of the other. It was hardly reasonable, where protection was refused or neglected, to charge them with being traitors and rebels. When under English government, although allowed the exercise of their religion, yet their priests, always suspected of drawing them over to the French, were hated and often molested by the English. Their civil liberty was much the same under either government. They had certain persons, annually chosen, whom they called deputies and sometimes selectmen,* which they borrowed from the English colonies of New-England, but they had no other authority than to bring and carry messages from and to their governors ; and upon any general disturbance or affair of general concern, the whole village or district was summoned to appear. Thus they were always depressed and without spirit. No people are more confined to their own country than they were, few or

none

* They corrupted their language, having greater converse with the English than with the European French ; and intermixed many English words, as *et vous too*, instead of *et vous aussi*—*pas yet*, instead of *pas encore*, and many like expressions.

none of them upon any occasion ever passing so far as New-England. Their fate at last was hard and pitiable.

But to return to our story. Church left Chignecto the 20th of September, and stood with his transports for the river St. John's, and landed his men, not without some opposition, upon the east side. He took several prisoners, interrupted the building of a new fort at the mouth of the river, and destroyed the materials they had prepared for it; brought away twelve of their cannon and what plunder he met with. Being informed there was not depth of water in the river for his vessels, he made no attempt to go up to Villebon's fort, but departed for Boston, intending to touch at all the harbours and rivers upon the eastern coast, in his way.

Mr. Stoughton, having much at heart the removal of Villebon from St. John's, ordered the Arundel, captain Kiggins,* who returned to Boston the beginning of September; the province galley, captain Southack, and a transport sloop, captain Alden,† to go out and meet Church with his forces, and attempt to drive Villebon from his fort. A reinforcement for the land forces was sent in the transport, and the command of the whole given to colonel Hawthorn, of Salem, one of the council. This was an impolitic measure, unless any misconduct in Church made it necessary that he should be superseded; and it is evident, by his own account, that he was not a little mortified; and although he submitted, it was with reluctance, and every thing went on heavily. The men also, having their faces towards home, were loth to turn back, but were obliged to it; being met by the ships not far from the river. Villebon had timely notice of the return and reinforcement, and made the best preparations he could for his defence. Four of the small vessels went up the river, and landed their men near the fort, October the 7th. They raised a battery for two field-pieces, and began to fire with them and with their musketry the same day; and the French made return. When night came on, which proved very cold, the English lighted their fires

to

* Charlevoix calls him Sikik.

† The same who was imprisoned for witchcraft, when Hawthorn the colonel had been one who examined him.

to keep them from perishing. This made them a mark for the French cannon, which disturbed them to that degree, that they were obliged to put out their fires and to be exposed all night to the inclemency of the weather. They were soon discouraged, for the next night they reembarked ; and having joined those at the mouth of the river, made the best of their way to Boston. No notice was taken of any loss on either side, except the burning a few of the enemy's houses ; nor is any sufficient reason given for relinquishing the design so suddenly. It is probable that the forces were not provided with tents nor cloathing sufficient to defend them from the cold, which they had reason to expect to increase every day, and it is certain the old colonel Church was offended at being superseded in command.

Whilst the forces which used to be employed for the defence of the frontiers were upon other service, the inhabitants kept close confined to their garrisons and were hindered from their labour, the Indians being upon the watch in every quarter, and now and then would seize or shoot down a man who ventured to step out of his door. Besides those mentioned, in the beginning of summer, Major Frost and his wife were killed at Berwick, as they were returning from meeting ; and two men, who went to carry the news to the garrison at Wells, were ambushed and slain. In October, four soldiers were killed, belonging to the fort at Saco. A late author says, “a dreadful desolation was threatened, and more for want of management than power ;”* but this is not so judicious as some others of this author's reflections. The settlement of a new country could never be effected, if the inhabitants should confine themselves to cities or walled towns. A frontier there must be, and nothing less than making every house a fort, and furnishing every traveller with a strong guard, could have been an effectual security against an enemy, as greedy after their prey as a wolf, and to whom the woods were equally natural and familiar.

An expedition against Canada had been solicited every year since 1692. This year there was a more than ordinary

* Discovery and settlement of the English in N. America, in Harris's collection.

nary dependance upon it. The bad success of the war in Europe put an end to this dependance. Intimations were given, divers ways, of a French armament from Europe by sea, and land forces from Canada to make a descent upon the English colonies. Application had been made to the French king, by the governor of Canada, in the latter part of 1695, for ten or twelve men-of-war, to be sent the next spring from several ports in France, to encounter an English squadron, which it was expected would have been at sea about that time; and, having conquered the English ships, then to go and take Boston, which was represented to be a place of great trade; and if they could gain possession of it, they would gain by that means the sole possession of the fishery.* Nothing more was intended by the French court than the possession of Newfoundland, and the removal of the English from Acadie. Both these were effected: for after Iberville had taken the fort at Pemaquid, he went with the ships to Newfoundland, and possessed himself of St. John's and the other harbours there, and made a very successful expedition. This was not only a much easier acquisition than Boston would have been, to a stronger squadron than Iberville's, although it was not then one fourth part so well fortified as it is at this time; but, by gaining all the ports in Newfoundland, the whole colony was gained; whereas, the gaining of Boston would not have enabled them to have possessed even the rest of that province nor, without a very great land army, could they have held the possession of Boston alone one winter, against so great a number of inhabitants as were then in the province.†

The

* Charlevoix.

† The winter of 1696 was as cold as had been known from the first arrival of the English; flays and loaded sleds passing great part of the time upon the ice from Boston as far as Nantasket. Greater losses in trade had never been known, than what were met with in this year; nor was there, at any time after the first year, so great a scarcity of food; nor was grain ever at a higher price.

Lord Bellamont had been expected for two years past. His long delay occasioned some doubt, whether he had not laid aside the design; but, in February 1696, Mr. Blaithwait writes, "You may be in expectation, some time this summer, of my lord Bellamont, who is now in a way of receiving his dispatches for the government of New-England, and probably of New-York too, for the better uniting our strength against the French and Indians. In the mean time, I hope the colony of Massachusetts will take care to defend themselves against the further encroachments of the enemy, and protect their neighbours of New-Hampshire, for the common interest."

The last year of the war proved more alarming to the province than any of the preceding years. An invasion was every day expected, for several weeks together; and news was brought to Boston, that a formidable French fleet had been seen upon the coast. It was indeed a very critical time, perhaps equal to that when the duke d'Anville was with a squadron at Chibuctou. The force under the duke was superior, but the province at that time was in proportion stronger and better able to repel it. France expected that a very strong squadron would be sent from England to recover the ports in Newfoundland, which Iberville had taken the last year. Great preparations were therefore made, to defeat such squadron, and, after that, or in case it should not proceed, then to lay waste the English colonies. Frontenac, the governor of Canada, upon whom great dependance had always deservedly been placed, had orders to raise fifteen hundred men, prepared to march upon short warning; but, at this time, the service for which they were intended was not communicated. He made provision accordingly, and they would have been already upon eight days notice. The remembrance of this danger is lost in New-England. Charlevoix's account will be new to most people. "The intended expedition against Boston was very well concerted, and would not have failed, as all which preceded it had done, if it had been vigorously pursued. The king had entrusted the command with the marquis of Nesmond, an officer of great reputation, and had appointed for the service ten men-of-war, a galliot, and two frigates. Boston was not the only object. He had orders to be ready to leave Brest, with part of the squadron, by the 25th of April at farthest, in order to join the other part which lay at Rochel under commodore de Magnon; and, with all possible dispatch, to proceed to Placentia-bay in Newfoundland, that he might be beforehand of the English, who it was said were determined to recover all they had lost the year before in that island, and to clear it entirely of the French. If he found Placentia besieged by the English, he had orders to attack them; if they should be gone before he arrived, he was to follow them and give them battle, whether they had succeeded

ceeded or not. After their defeat, he was to sail for Penobscot; dispatching at the same time a packet-boat to Quebec,* to inform count Frontenac of his route, that so that general might meet him at Penobscot, with fifteen hundred men, which he was to have in readiness. As soon as the junction was made, and the troops embarked, the fleet, without loss of time, was to go to Boston, and, that town being taken, it was then to range the coast to Piscataqua; destroying the settlements as far into the country as they could, and so effectually as that it might take the English a long time to re-establish themselves. If there should be time left for further acquisitions, the fleet was to go to New-York, and, having reduced that city, the French American troops were to march through that colony to Canada, laying the country waste as they went along. The king had this expedition so much at heart, that he had given permission to de Nesmond to strengthen his fleet with the addition of certain ships, destined for another expedition in Hudson's-Bay, if he should happen to meet them at Placentia and think them necessary."

We shall next see, from the same author, how this enterprize happened to fail of success.

"As the French court had not received the news of the sieget of Naxcat (St. John's river) when the instructions were prepared, but it happened to be brought a short time after, upon de Nesmond's anchoring in Rochelle road, he found orders had been sent from court to meet him there, requiring him to give the chevalier de Villebon all that aid both of men and stores which should be necessary to maintain him in or restore him to his post. When de Nesmond came to Placentia, he found there a letter waiting for him from the count de Pontchartrain, giving him intelligence of eighteen English ships, laden with salt and ready to sail from Lisbon, under convoy of a man-of-war; which ships were to be employed in the cod fishery at Newfoundland; and he was required to do every thing in

* This seems to be the greatest defect in the plan. The time in passing up the river St. Lawrence, embarking the troops, and coming down to Penobscot, from the uncertainty of that navigation, might take up the greatest part of the summer, and render the whole design abortive.

† By the Massachusetts forces.

in his power to prevent their escaping him. The count added further, that if he should be so fortunate as to beat the English fleet, which was expected to be or have been at Newfoundland, then it was the king's pleasure that he should range the eastern coast of Newfoundland, and take or burn all the English shipping he could meet with. But de Nesmond departed too late to carry so many and so great designs into execution. Besides, meeting with contrary winds, he had above two months passage, not arriving at Placentia until the 24th of July. There he heard no news of the English fleet. He held a grand council of war, in order to determine whether immediately to proceed to Boston or not. All the voices were in the negative, and for these reasons,—there was no assurance that it could be a prudent measure, whilst they were wholly ignorant of the situation and circumstances of the enemy; moreover, let there be ever so great dispatch in giving notice to count Frontenac, the Canada forces could not be at Penobscot before the 10th of September; and by that time the fleet would not have above fifty days provisions left, and would be in no capacity of undertaking any thing."

It was known in New-England that a formidable French fleet was at no great distance, and the approach of it was every day expected. There were no great hopes of an English fleet to encounter it. The inhabitants were in great consternation. The lieutenant-governor of Massachusetts made the best preparations he could. The militia, for several weeks, were held in readiness to march to the sea-ports. The castle at Boston was then but an inconsiderable fortress. Such additions were made as the time would admit of; and, when the danger was over, many persons expressed themselves, in the accounts they gave of it to their friends, as if they had no doubt that the ships would have been stopped from coming up to the town. It was expected that a great body of French and Indians from Canada would fall upon the eastern frontiers, when the French fleet was upon the sea coast; five hundred men were therefore raised, and sent under major March, for the defence of that part of the province.

This

This scheme of the French, in all probability, saved the lives of many of our inhabitants. The greatest part of the summer, the strength of Canada, which would have been employed for our annoyance, was kept in a state of inaction, waiting for orders to move; and until September we were quiet, both eastward and westward. A party of the enemy then fell upon Lancaster, and killed twenty or thirty persons, Mr. Whiting, the minister of the town, being one of them.*

The next year, they began early, and in February surprised Andover, about twenty-five miles from Boston, where they killed seven of the inhabitants, and took others prisoners, and burned many houses. Among the slain was Chubb, the captain of Pemaquid fort, who lived here with his family, in a place thought to be not exposed. His death afforded as much joy to the Indians as the destruction of a whole town, because they had taken their beloved vengeance of him for his perfidy and barbarity to their countrymen. It is not probable, that they had

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* Governor Bradstreet died at Salem March 27th, 1697, aged 94 or 95. We have had frequent occasion to mention him, especially in the first part of our history, where he appears in the character of an assistant, secretary, agent, commissioner for the United Colonies, and at length governor. He seems to have been of a moderate genius, such an one as we often see by a long course of steady inoffensive conduct rise from step to step, but at those intervals when there happens to be none more shining or enterprizing to obstruct it. He was the youngest of all the assistants who came over with the first charter, but had been senior assistant many years before he attained to the chair. At length, in the 76th year of his age, it fell to his lot. It is not improbable that some, who would otherwise have been his competitors, acquiesced in his advancement from the same considerations that the competitors in the conclave at Rome have often acquiesced in the choice of a very old cardinal to the popedom. When king Charles demanded a surrender of the charter, he was for complying. The event proved it to be easier to re-assume after a forced surrender than after a judgment against it. The king had promised lenity upon a compliance, and threatened all severity if the colony forced him to a judgment against them. This influenced Mr. Bradstreet. He thought it wisdom to save part of the privileges of the colony rather than lose the whole. Besides, it was submitting to the necessity of the times, submitting to a power they could not resist. Some said if judgment went against them, one time or other it might be reversed. He thought that *dareſſ per minus* might be pleaded to avoid their own act, if ever a favourable opportunity should offer for it. He was reproached for his pusillanimity. If he was upright, the censure of the opposite party should not transmit reproach to posterity. The most tenacious are not always most virtuous: men will sometimes, pursuing popular measures, run risques in public affairs, which they would not think prudent in their private concerns. The reason is obvious. Their particular share in the public, if the event should prove unfortunate, has not equal weight upon their minds with the applause which they are sure of, succeed or not, for fortitude and heroism. Bad men in this way can oftentimes also gratify their private affections, of envy, hatred, and desire of revenge, at the public expense.

any knowledge of the place of his abode, but they fell upon him by mere accident. Rapin, the English historian, would have pronounced such an event the immediate judgment of Heaven; Voltaire that, in this place of supposed safety, the man could not avoid his destiny. Among the prisoners was colonel Bradstreet (who absconded in 1692, to save himself from a prosecution for witchcraft) and all his family. Fortunately for them, the Indians apprehended they were pursued by a superior force, and fled, leaving their prisoners to escape. Their terror must have been great, seeing there was not time to knock the prisoners on the head, according to the usual practice when pursued. The enemy, upon their return home, made some spoil upon the town of Haverhill. In March, another party came upon the same town, burned nine houses, and killed and took prisoners, in the whole, about forty persons. There was a woman (Hannah Dustan) a heroine, made prisoner at this time, whose story, although repeatedly published, we cannot well omit. She had lain in but a week, when the Indians attacked the house. Her husband, with seven of his children made their escape; but the wife, the nurse and the young infant were seized. The Indians soon beat out the infant's brains against a tree. The two women they made to travel with them twelve miles the first night, and to continue travelling from day to day towards an Indian town,* the settlement of which, as the Indians said, had been begun a little while before, about two hundred and fifty miles from Haverhill. When they had travelled one hundred and fifty miles, the Indians told the women there was one ceremony which could not be dispensed with upon their arrival. They must be stripped, and run the gantlet through the village. This discipline has been sometimes so cruelly administered, that the poor captives have sunk under it. The women had been assigned as servants to an Indian family† consisting of two men, three women, and seven children, besides

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* The distance would agree well enough with St. Francis or Bécancour; but Charlevoix says, this settlement began six or seven years later, in 1704.

† It was the practice of the Indians, after they had fell upon the English and were out of danger, to divide into small parties or single families, and disperse for the sake of more advantageous hunting in their return.

an English boy, who had been prisoner a year and an half. The terror of the Indian gantlet seems to have inspired Dustan with resolution, and she prevailed upon the nurse and the English boy to join with her in the destruction of the Indian family. The Indians kept no watch. The boy had been with them so long, as to be considered as one of their own children. From women, ordinarily, attempts of this sort are not to be expected. In the morning, a little before day, Dustan arose, and, finding the whole company in a sound sleep, calls upon her confederates to join with her, and with the Indian hatchets they silenced such as they began with, and yet took care not to make so much noise as to awaken the rest; and in this manner they dispatched the whole family, except a favorite boy, whom they designedly left, and an old woman they supposed they had killed, but who jumped up, and with the boy made their escape. They took off the scalps from ten, to bring home with them. Their danger was great from the enemy and from famine, in travelling home above an hundred miles, through thick woods and across mountains and rivers; but they arrived safe with their trophies. They received a reward of fifty pounds from the general court, and many presents from their neighbours; and colonel Nicholson sent them a valuable present from Maryland,* the fame of so uncommon an action having soon spread through the continent.

The lieutenant-governor, Stoughton, had held the reins four years, and had kept free from controversy with the other branches of the legislature. The defence of the province, by sea and land, was enough to employ the attention of the public. Internal disputes and controversies in States are, ordinarily, most effectually avoided or suspended by imminent external dangers. Besides, Mr. Stoughton now stood so well in the esteem of the people, that they chose him, at every election, one of the council, although at the same time he was commander in chief. Before the year expired, a new governor might arrive, in which case he would take his place as a counsellor. Sheriffs in England are named or remain in commission for

* Nicholson was then governor of Maryland.

for the peace during their shrievalty, although the exercise of their authority, as justices, is suspended for such time.

The earl of Bellamont embarked on board one of his majesty's ships early in the fall. The merchant vessels, which sailed at the same time for Boston, all arrived safe with short passages; but the man-of-war was blown off to Barbadoes, and there wintered, not arriving at New-York until some time in May. Immediately upon the advice of his lordship's arrival, a committee was sent with congratulations from Massachusetts; and, during his residence at New-York, he was frequently consulted, and all matters of importance were communicated to him, and his advice or directions were generally followed; but the administration of all acts of government were in the name of the lieutenant-governor, as commander in chief. The party disputes, which ran high at New-York, and detained his lordship there about a year, do not come within our design. In general we may observe that he countenanced the Leislerians.* This, together with the interest which had been made for Mr. Dudley in England in opposition to his lordship, seems to have prejudiced him in favour of all Dudley's enemies in New-England. Whilst he was at New-York, he kept a constant correspondence with Mr. Cooke, one of the council for Massachusetts, who was a principal man of that party; and seems to have placed more confidence in him than in Mr. Stoughton, who ever remained, in his heart, attached to the Dudley party.

The peace of Ryswick was proclaimed in Boston December the 10th, 1697. The war with the Indians did not immediately cease. The beginning of the next year they shewed themselves at Kittery, where they killed an old man; and at the same time they carried away three persons from York. In July, they appeared upon the western frontier, and took three or four prisoners at Hatfield: but the French no longer daring to afford them assistance, they spent the rest of the year in contriving a peace.

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* His lordship was one of the committee of parliament to inquire into the trials of Leisler and Milbourne, and told Sir Henry Athur that these men were murdered and barbarously murdered.

Upon intimations given by the Indians to any of the forts or out-posts that they are disposed to peace, the English are very ready to embrace the offer. The principal object is the recovery of the captives, which at the end of the war have generally been numerous. In October, major Convers and captain Alden were sent to Penobscot to settle preliminaries, one of which was to be the release of all prisoners, but no more could be obtained on this head than a promise to return all such as desired it; the Indians refused to compel any who inclined to remain with them. In the winter, John Phillips, esquire, of the council, with major Convers, and Cyprian Southack, commander of the province galley, went with full powers to conclude a treaty. The Indians are not very nice in acknowledging their perfidy in such terms as the English prepare for them, and make such submissions and promises of future fidelity as are desired. The treaty was in the same terms with that in 1693. Several captives were restored, and others were promised in the spring; but many remained, males and females, who mingled with Indians and contributed to a succession of savages to exercise cruelties upon the English frontiers, in future wars, and perhaps upon some of their own relations.

The leaving bounds to be settled between the English and French, upon the continent, by commissaries, and the ambiguous terms made use of in treaties (perhaps artfully introduced by the French) have been the causes of new disputes between the two crowns; and, in one instance at least, have very soon brought on a new war.* The peace of Ryswick was scarcely proclaimed in New-England, when the inhabitants were made sensible of the designs of the French to make themselves sole proprietors of the fishery, and to restrain the English from the possession of any part of the country contained in the Massachusetts charter to the eastward of Kennebeck. It was understood by the English court, that, by the treaty of Ryswick, all the country westward of Saint Croix was to remain to the English, as being within the bounds of the province of Massachusetts. The French court, immediately

* After the treaty of Aix la Chapelle in 1748.

ately after the treaty, asserted an exclusive right to the fishery upon the sea-coasts, and to all the inland country.* A French man-of-war, bound from France to Port-royal, met one of our fishing vessels off Cape-Sables, sent for the skipper to come on board, and caused to be translated and, read to him in English an order of the French king for seizing all English vessels found fishing on the coasts, and told him to give notice of this order to all other vessels. Villebon, governor of St. John's river, writes soon after to Mr. Stoughton, that he had orders from the French king his master to take possession of and defend the whole country as far as Kennebeck.†

The Norridgewock Indians, this year also, built a church at their chief settlement upon Kennebeck river, which was complained of by the Massachusets government as a French encroachment; but I know not for what reason, except their having a Frenchman for their priest can be thought one.

Representations were made to the ministry, and the right of the English to the eastern country as far as St. Croix was insisted upon. The lords of trade write thus to the earl of Bellamont: "As to the boundaries, we have always insisted and shall insist upon the English right as far as the river St. Croix; but in the mean while, in relation to the encroachments of the French and their building a church on Kennebeck river, that seems to us a very proper occasion for your lordship's urging the general assembly of Massachusets to rebuild the fort at Pemaquid, which

they

* Acadie has been stretched and contracted at different times, as the French found it to serve their interest.

† "I am expressly ordered by his majesty to maintain the bounds between New-England and us, which are from the head of Kennebeck river unto its mouth, leaving the course of the river free unto both nations, and I expect that you will no longer consider the Indians inhabiting there as your subjects. I am informed that you have divers fishermen on our coasts, and that you permit your people to trade in the French ports. You may well expect, Sir, that I shall seize all the English who shall be found fishing or trading; for you cannot be ignorant, that it is plainly prohibited by the treaty between the two crowns, which you yourself sent to me. Mons. de Bonaventure, commander of the Envieux, has also sent you some of your fishing vessels, which he had taken, and acquainted you, that if they returned, either for fishing or trading, he would make prize of them."

Villebon's letter, Sept. 5, 1698.

they ought to have done long ago, and thereby they might have prevented this and many other inconveniences.”*

The French persisted in their molestations of the English fishermen, and there seems to have been no great concern about it in the English ministry; other greater affairs, in difference between the two crowns, engaged the attention, and brought on a new war; and it was well they did, for it looks very probable that this dispute about the fishery would not have made a breach, but if peace had continued, the French would have excluded the English, and this valuable branch once lost might never have been recovered.

King James, always under the influence of France, had relinquished his right to Acadie, or Nova Scotia; and, although his governor (Andros) for the short time the king remained afterwards upon the throne, retained the possession of Pemaquid, and challenged a right to St. Croix; and although the friendship between the two monarchs might prevent any severity upon the English fishermen, yet the French insisted upon their right both to the country and coasts. The war upon the revolution suspended the dispute about title. At the treaty of Ryswick, England was not disposed to urge any points which would retard the peace, and the French immediately after renewed the same claim they had made under king James.

Lord Bellamont arrived at Boston from New-York May 26th, 1699. A nobleman at the head of the government, was a new thing. All ranks of people exerted themselves to shew him respect, and the appearance was so pompous, that his lordship thought it gave him good reason to expect a very honourable support from a province so well stocked with inhabitants, and in a state of so much affluence. He took every method to ingratiate himself with the people. He was condescending, affable and courteous upon all occasions. He professed to be of the most moderate principles, in religion and government; although a churchman, yet far from high church, and he

* October 30, 1700.

he attended the weekly lecture at Boston* with great reverence, and professed great regard and esteem for the preachers. He avoided all unnecessary contests with private persons or with either branch of the legislature. His inclination led him to Mr. Dudley's enemies, but he did not neglect those who were friendly and attached to him. There was perfect harmony in the General Court whilst he presided. There was something singular and unparliamentary in his form of proceeding in council ; for he considered himself as at the head of the board in their legislative as well as executive capacity. He concerned himself in all their debates ;† proposed all business, and frequently recommended to them to resolve into a committee upon bills or clauses in bills ; and then, as the entries stand, he left the chair, and the committee (being ready to report) reassumed : nor did he think it proper they should act as a house of parliament in his absence ; but when detained at home, by messages from time to time, directed their going into a committee and preparing business against such time as he should be able to attend. This was guiding them in all their debates and resolves, as far as his influence would extend, which was not a little way ; and yet afterwards, as a separate branch, he had his negative upon all their proceedings which were not according to his mind. This irregularity does not seem to be the mere effect of his lordship's authority and influence over the council.

* The General Court in that day always adjourned to attend the lecture. An anecdote or two, or what the French call *personalitez*, will give us an idea of some parts of his lordship's character. The precise part of the country, however treated with respect in public, were not most agreeable for private company and more intimate acquaintance. Among the more liberal was one Bullivant, an apothecary, who had been a justice of peace under Andros. Lord Bellamont, going from the lecture to his house, with a great crowd round him, passed by Bullivant standing at his shop door, loitering ; "Doctor," says his lordship with an audible voice, "you have lost a precious sermon to day." Bullivant whispered to one of his companions who stood by him, "If I could have got as much by being there as his lordship will, I would have been there too."

A speech of his to his lady, when his table was filled with representatives from the country towns, is yet remembered :—"Dame, we should treat these gentlemen well ; they give us our bread."

† Henry IV. sat in the house of lords in De la Pole's case ; but the lords protested against the king's interposing in their rights and privileges. In the reign of his predecessor, Richard II. the houses of parliament had resolved that the king has the appointing what matters shall be first handled in parliament, and, after that, what next, and so on to the end of the session.

council. The constitution under the new charter was not settled. They came off by degrees from their practice under the old charter. The governor, created by the people, used then to vote with the assistants; and although he had no negative, yet he had a casting voice.* Lord Bellamont finding this to have been the practice, and, considering how much it increased his share in all acts of government, might be disposed to retain it. Experience taught, what was not at first conceived, the great difference between the privilege of proposing or originating and that of rejecting. In some succeeding administrations, it has given cause of exception and complaint when the governor has interested himself in the debates of the council, to influence their determinations and abridge them of that freedom to which they are equally entitled with the other branches of the legislature. He was the first governor who imitated the lord-lieutenant of Ireland, in formal speeches, as the king's representative, to the two houses of parliament, copies of which were delivered to the speaker and afterwards printed. Extracts from one or two shew they were calculated *ad captandum*. The unfavourable sentiments of the inhabitants in general of the reign of the Stuarts were well known to him; no subject could be more engaging than a censure upon that family. He concludes his first speech, which is a very long one, in this manner. "I should be wanting to you and myself too, if I did not put you in mind of the indispensable duty and respect we owe the king, for being the glorious instrument of our deliverance from the odious fetters and chains of popery and tyranny, which has almost overwhelmed our consciences, and subverted all our civil rights. There is something that is godlike in what the king hath done for us. The works of redemption and preservation come next to that of creation. I would not be misunderstood, so as to be thought to rob God of the glory of that stupendous act of his providence, in bringing to pass the late happy and wonderful revolution in England. His

blessed:

* While Mr. Stoughton was commander in chief, he had always been chosen of the council; it can scarcely be supposed that he gave his voice as one of the council, in legislative matters.

bleffed work it was, without doubt, and he was pleased to make king William immediately the author and instrument of it. Ever since the year 1602, England has had a succession of kings, who have been aliens in this respect, that they have not fought our battles nor been in our interests, but have been in an unnatural manner plotting and contriving to undermine and subvert our religion, laws and liberties, till God was pleased, by his infinite power and mercy and goodness, to give us a true English king, in the person of his present majesty, who has upon all occasions hazarded his royal person in the fronts of our battles and where there was most danger. He has restored to our nation the almost lost character of bravery and valour ; and, what is most valuable of all, his majesty is entirely in the interest of his people. It is therefore our duty and interest to pray to God, in the most fervent manner, that he would bless our great king William with a long and prosperous reign over us, to which I am persuaded, you that are present and all good people will heartily say amen."

His last speech had expressions, strong enough, upon the same strain. " The parting with Canada to the French and the eastern country called Acadie, or Nova-Scotia, with the noble fishery on that coast, were most execrable treacheries to England, and intended, without doubt, to serve the ends of popery. It is too well known, what interest that king favoured, who parted with Nova-Scotia, and of what religion he died."

By avoiding offence to particular persons, and by a general conformity to the cast or prevailing disposition of the people, his lordship obtained a larger sum, as a salary and gratuity, not only than any of his predecessors, but also than any who succeeded him, when the inhabitants were more numerous and more opulent, and money, compared with the necessaries of life, had become less valuable ; for he remained but fourteen months in the province, and the grants made by the General Court amounted to £.2500 lawful money, or £.1875 sterling.

His time was much taken up in securing the pirates and their effects, which we have observed was a great inducement with the king to send him to America. Before his

arrival

arrival in Boston, several suspected persons had been seized. After thirty or forty years indulgence, there succeeded a general abhorrence of buccaniering, and the buccaniers or freebooters were hunted from one colony to another. A large sum of money was seized in the possession of one Smith, part of it foreign coins and the impressions unintelligible ; and he was brought upon trial, but the evidence produced being insufficient to satisfy the jury, he was acquitted.

About the same time, one Bradish was apprehended. He had been boatswain's mate of a ship fitted out by merchants and tradesmen of London to India, in the interloping trade. The crew turned pirates ; and, having left the master ashore at Polonais, gave the command to Bradish. They came to America, and lodged large sums of money and goods with persons upon Long-Island and other places within and near to the government of New-York, and then dispersed ; some to Connecticut, others to Massachusetts, where Bradish was taken and others of his crew, and sent to England. The vigilance used in pursuing and apprehending them, appears from the account Mr. Stoughton transmitted to the secretary of state.* But

Kidd

* "I have further to observe unto your honour that, about the 19th of March last past, there arrived at the east end of Long-Island, in the province of New-York, the ship or hack-boat named the Adventure, of London, burthen about three hundred and fifty tons, mounted with twenty-two guns, Thomas Gullock late commander ; which ship sailed from Gravesham the 16th day of March, 1697-8, bound to the Island of Borneo in India, upon an interloping trade ; being set forth by captain Henry Tate and captain Hammond, who kept a brew-house in Thames-street, and Mr. Samuel Shephard and the Heathcoats, merchants in London. Having proceeded so far onward of the voyage as Polonais, they there stopped to water ; and the said commander, with several of the officers, mariners and some passengers being on shore upon the said island, and the boatswain gone on board with water, the rest of the ship's company combined and conspired together to leave the said commander and others with him on shore upon the said island, and to run away with the ship and lading ; which they accordingly put in execution, on the 17th day of September last past, cut the cables and brought the ship to sail, offering the yawl to some of the company that refused to join with them in the said piracy, to transport them to the shore ; which they accepted of, and several went off in her to the said island : the surgeon's mate and two other youths they forced to stay in the ship : the chief mate also, with the boatswain and armourer, not consenting unto the said villainous act, but unwilling to go ashore at the aforesaid island, they gave the long-boat unto them with necessary provisions, &c. three days after, being then about twenty leagues from the land, in which they went off from the ship ; the remainder of the company on board, being five or six and twenty in number, made choice of one Joseph Bradish, the boatswain's mate, to be their commander, whom they preferred

for

Kidd was his lordship's chief object. His own reputation and that of several of his friends depended upon his seizure, being the only effectual way of removing the jealousies and unjust surmises, not only against several of the ministry, but even against the king himself. In order to suppress the piracies committed by English subjects in India, &c. it was thought proper to fit out a ship for that special purpose. Lord Rumney, Sommers and others, became adventurers, to the amount of six thousand pounds sterling, and a grant was made to them of all captures, saving one tenth only reserved to the king. Lord Bel-
lamont

for his skill in navigation, and directed their course for Mauritius, where they fitted the ship, took in some fresh provisions and two young gentlemen named Charles Seymour and John Power, who, being on a voyage for India, in a ship under the command of one captain Pye, were unhappily left behind on the said island; and from Mauritius they came about Cape bon Esperance and in some short time after made a sharing of the money on board, which was contained in nine chests, stowed in the bread-room, and set forth three or four and twenty single shares, besides the captain's which was two shares and a half. In weighing out the money, some received fifteen others sixteen hundred dollars for a single share. They afterwards made a second sharing of broadcloths, serges, stuffs and other goods on board. They stopped at the island of Ascension, took some turtle and fresh provisions there, and thence directed their course for this continent and arrived as aforesaid at Long-Island, where the said captain Bradish went on shore, carried the most of his money and some rings and jewels with him; committed them to the care of a gentleman on said Island; sent a pilot on board to remove the ship and bring her to an island called Gardner's-Island; but the wind not favouring them, ran over to Block-Island within Rhode-Island government; from whence they sent two of the company to said Rhode-Island to buy a floop, but the government there, having notice that a ship was hovering about those parts, suspected to be a pirate, seized on the said two men and detained them; the intelligence whereof being carried to the ship, and some floops being descried coming from said Island towards the ship, the company, fearing that they were manned out from thence to seize them, forthwith came to sail and stood off to sea ward; the floops following, came up with them; and being informed what the floops were, permitted them to come on board and bought one of the floops and hired another to transport them and their money, allowing the floops' men to take what they pleased out of the ship and gat on shore, some in one place and some in another; landing at farm houses, where they provided themselves with horses, and scattered into divers parts of the country; the captain, and some others with him, coming into this province; upon the first intelligence whereof, a proclamation was issued, and hue and cries sent through the province and into the neighbouring governments to pursue and seize all such of them as could be found, with their treasure. The captain with ten more of the company are apprehended and in custody here in order to a trial, who upon examination severally confessed the particulars before recited; and a considerable quantity of money, to the value of near three thousand pounds, with several goods and merchandizes taken out of the said ship are seized. Seven or eight more are apprehended within Connecticut government, and pursuit is making after the rest. The justices of the peace and other officers, in their respective stations, have been very vigorous in the prosecution of these villains, and the people in general have just resentment and abhorrence of such vile actions, and the government here will be very zealous in the discountenancing and punishing all such criminals."

Mr. Stoughton's letter to Mr. Secretary Vernon, Ap. 12, 1699.

Iamont seems to have had the principal direction. Upon inquiry for a proper commander, Mr. Livingstone, a principal inhabitant of New-York being then in London, recommended Kidd, who had sailed out of New-York; and, having a family there, no question was made of his attachment to it, and there was no suspicion of his ever turning pirate himself. From London he went first to New-York, where he broke through the instructions he had received, shipping his men upon new terms; and when he arrived in India, not only connived at and suffered to continue, a known pirate vessel, but committed divers alarming acts of piracy himself, to the endangering the amity subsisting between the East-India company and the princes in that part of the world. The least said by the enemies of the administration was, that, from a greedy desire of gain, an ill-judged measure had been engaged in, which would be attended with very mischievous consequences, and the malice of some insinuated a criminal intention in the undertaking.

Where Kidd would seek an asylum was uncertain. Strangely infatuated, he came from Madagascar to Boston, and made a bold open appearance there, July the first, this year, and some of his crew with him. On the third, he was sent for by the governor, and examined before the council. What account he could give of himself does not now appear, but he was not immediately committed, and only ordered to draw up a narrative of his proceedings; which neglecting to do in the time assigned him, on the sixth he was apprehended and committed to prison. Being a very resolute fellow, when the officer arrested him in his lodgings, he attempted to draw his sword, but a young gentleman,* who accompanied the officer, laying hold of his arm, prevented him, and he submitted. Several of his men were secured at the same time, and advice having been sent to England, it was thought an affair of so much importance, that a man-of-war was sent to carry them there; where Kidd, Bradish and divers others were condemned and executed. The party writers in England pretended, that after Kidd's arrival he had assurance from some anti-courtiers,

* Mr. Thomas Hutchinson, afterwards for many years one of the council.

courtiers, who examined him in prison, that his life should be spared if he would accuse his employers, but that he was not bad enough to comply with such a proposal.

Lord Bellamont held two sessions of the General Court this year ; the first, the anniversary for the election of counsellors ; the latter the 31st of March following, occasioned by a general rumour through the colonies, that the Indians (from all quarters, not only those upon the frontiers, but those who were scattered through the towns in the several colonies) had united and agreed, at an appointed time, to fall upon the English in order to a total extirpation. The Indians were no less alarmed with a report, that the king had withdrawn his protection from them and ordered his subjects to unite in their destruction. These reports were supposed to have been raised by evil-minded persons among the English or Dutch ; but it is more probable, the Indians of the Six Nations,* to obtain the presents which accompanied all treaties between the English and them, were the contrivers and managers of the whole affair. Such was the consternation in Massachusetts, that several acts passed the General Court for levying soldiers ; for punishing mutiny and desertion ; for holding all the militia in readiness to march ; and for enabling the governor to march them out of the province, which, by charter, he was restrained from without an act of assembly. As it happened, there was no occasion for carrying these laws into execution, the general terror subsiding soon after.

Soon

* I remember that when the commissioners from several governments were at Albany, upon treaty with the Indians of the Six Nations, in the year 1745, Hendrick, the Indian chief, (who afterwards lost his life fighting under the English when baron Dieskau was defeated) had contrived, a little while before the treaty, to spread a rumour, among his countrymen, that the English had laid a plan for their destruction ; and that the ammunition, &c. were provided and sent to the frontiers, in order to make a stroke upon them, when they least expected it. The commissioners were surprised at the general discontent discovered by the Indians, their frequent assembling and their backwardness in conferring with the English ; and having some intimation of the rumour, they resolved to search to the bottom of it. Hendrick, finding himself in danger of being discovered, and fearing the resentment of his own countrymen, came to the commissioners privately, and desired they would make no further inquiry ; he would undertake to quiet the Indians and remove their fears. The commissioners considered him as a necessary man, who had been very useful in bringing his countrymen to agree to measures proposed by the English, and that it was good policy not to expose him, and left it to him to convince the rest that their suspicions were groundless, which he effected in a very short time.

Soon after the session of the General Court in May, 1700, lord Bellamont took his leave of Massachusetts and went to New-York, where he died the 5th of March following. Mr. Stoughton took the chair again with reluctance. His advanced age and declining state of health made him fond of ease and retirement.

As soon as the news of the governor's death reached England, Mr. Dudley renewed his solicitations, with fresh vigour, for a post which he never lost sight of. By the interest of lord Cutts, and the condescension of lord Weymouth, whose son-in-law was a competitor, he was chosen member for Newtown, in Southampton county, in king William's last parliament. This, with the place of lieutenant-governor of the Isle of Wight, was to be preferred to all he could expect in New-England, if it had not been his native country ; but he had a passion for laying his bones there, which equalled that of the ancient Athenians, and which he could not help mentioning to every New-England man who paid him a visit ; as many frequently would do, from Portsmouth, where they were often detained for convoy.

When Sir Richard Onslow and Mr. Harley* were competitors for the speaker's place, his inclination led him to the latter, from whom he had received favours ; but his favourite object, which he was then pursuing, obliged him to comply with the court and vote for the former. He made use of the dissenting interest in England to obtain his commission and to recommend him to his countrymen upon his arrival.† There was another difficulty

still

* We have a tradition that Mr. Harley had some New-England blood in him, his mother being a grand-daughter of Sir Richard Saltonstall. A letter from her to one of her sisters in New-England is said to have been preserved many years after his death for the sake of this passage in it. "I am now going to carry Bob up to the inns of court, to make a man of him."

† " REV. SIRS,

London, August 13, 1701.

The just and great concern we have for the welfare of New-England, has, upon all occasions, engaged us to improve that little interest we have or can make at court, in the appointment of your governor from time to time, that he may be such a one as may seek your good, and under whom you may be secure and encouraged in your holy religion, and also in your civil rights and privileges ; and such a one we hope and have a great deal of reason to believe is colonel Dudley, whom the king was pleased upon his departure to appoint your governor ; and we crave leave to acquaint you that we were very well pleased in his majesty's nomination upon many accounts, our own personal knowledge of his character to be a man of learning, prudence and sobriety,

still remaining, the king was not willing to appoint a governor who he knew had been very obnoxious to the people. A petition was therefore procured, from such persons belonging to Massachusetts as were then in London, and from the principal New-England merchants, praying that Mr. Dudley might be appointed governor. He had also the address to reconcile himself to Mr. Mather the younger, and to obtain from him a letter favouring his cause, which he made known to the king, and which removed his objection;* and although lord Cornbury, a

near

sobriety, and of good acceptance with the present government of England for his faithful service in the Isle of Wight, and that his family, estate and interest is in your country. Upon the whole, we judge it an especial act of the king's favour towards you, that he, among so many others that always offer upon such accounts, should be determined for you. We hope and believe it is the especial providence of God, and shall heartily pray that you may soon see him and have the benefit of his good conduct and care for you, and do not doubt but you will joyfully receive him and assist him with your prayers and advice. At all times we are, Reverend Sirs, your most affectionate and humble servants,

John Quick,	Jeremiah White,
Robert Billio,	Richard Stretton,
Josiah Chorley Norwich,	Thomas Powell, minister
Fr. Glascocke,	of the gospel,
John Long,	Matt. Sylvester."

Letter from dissenting ministers in England to the ministers of Massachusetts.

* "I have been so hurried in parliament, and indisposed by my late attending committees, that I could not find leisure to write to you; or rather, I was so out of humour with my ill usage here and in New-England, for my faithful twelve years service, that I had no heart to write. I see, he that is faithful to his religion and his country, must expect his reward above. Before the king died, I had another hearing before the council and the king. Mr. Dudley and Mr. Phips on the one side, and I alone on the other. Mr. Dudley produced Mr. Cotton Mather's letter, and read it to the king; and Mr. Phips and he averred, that there was not one minister nor one of the assembly but were impatient for his coming. I wish you very happy under his government. As to my lord Cornbury, he was bred at Geneva, and would no more have attempted upon your religious interest than I would. I could not believe that my lord Weymouth should hinder his own son-in-law from being chosen parliament-man, that Mr. Dudley, when I opposed him, might get in, and that Mr. Blaithwait and the bishop of St. Asaph, should so earnestly be for Dudley's going, and that on purpose to serve the interest of your churches. Mr. Stretton gat all the non-cons to subscribe that letter. Poor Mr. Glascocke wept to Mr. Howe for signing it. Whatever you please to say or think of me, I have the testimony of my conscience, that in the integrity of my heart, in the sight of God, I have served New-England with all my might." — *Sir H. Ashurst to I. M. March 25, 1702.*

Sir Henry Ashurst was mistaken in his opinion of lord Cornbury. Mr. Smith, in his history of New-York, has given us an account of the arbitrary severe treatment the Dissenters received from him. A circumstantial account of his prosecuting two itinerant preachers I have seen, under the hand of one of them. The southern colonies being destitute of ministers of any sort, the dissenting ministers in London, with some principal men of their congregations, made provision for the support of two itinerant missionaries from Virginia to New-York, who were to be absent two

years;

near relation of the late queen and the princess Ann, being appointed for New-York, expected Massachusetts also, yet Mr. Dudley prevailed ; and his commission passed the seals. The king's death, a few months after, caused him the trouble of taking out a new commission from the queen, but he had the unusual favour shewn him of remitting most if not all the fees.

Whilst

years ; and upon their return, two others were to be sent out, and so from time to time. The two first were George Macnish, from Scotland, and John Hampton, from Ireland ; but being strangers to America, Francis Mackennie, another minister who had been there before, accompanied them. Beginning their mission at Carolina, they travelled northward ; and M^cNish being left to take care of five meeting-houses in Somerset, Maryland, the other two went on to New-York. They waited upon the governor, and were civilly received ; and some of the inhabitants who desired to hear them, applied to his lordship to give them leave to preach in the Dutch or French church, but he refused it, and the ministers of the churches did not care to admit them against his mind. Mackennie, in compliance with the desires of the people, preached in a private house with the doors open, and a day or two after left New-York in order to preach at Newtown on Long-Island, where he and Hampton, who had preached in the meeting-house at Newtown, were apprehended by a warrant from the governor, carried before him, and charged with preaching in his government without his license. They replied, that they presumed upon the liberty given by an act of parliament the 1st of William and Mary, and had obtained certificates according to the directions of the act which they delivered him. He told them the act was local, and they must find sureties for their good behaviour, and especially not to preach any more in his government. This they declined, and were committed to custody, where they continued many weeks at the expence of forty shillings per week. During their confinement, they applied to the ministers of Boston, desiring them to represent their case to some gentlemen in England who might appear in there behalf, which occasioned among others the following letter.

“ SIRS,

Boston, N. E. April 1, 1707.

We have lately given you some account of the violent and illegal actions of my lord Cornbury, governor of New-York, in imprisoning two qualified presbyterian ministers (Mr. F. M. and Mr. J. H.) for offering to attend the duties of their ministry in his government, under the shelter of the act of toleration. The gentlemen lay prisoners for more than six weeks, at forty shillings per week charges, upon a mittimus signed by my lord, not in the queen's name, and without any crime specified. Though both my lord and the queen's attorney denied the act of toleration to extend unto the plantations, yet they have since made the act of uniformity, notwithstanding the clauses of limitation in it, so extensive. The chief justice, finding himself under a necessity to grant the gentlemen an *babeas corpus*, which would have discharged them, my lord (from whom they have no hope of obtaining here any satisfaction for their false imprisonment all this while) served a new mittimus upon them. A grand jury was packed, whereof three where justices of the peace, who had already, as such, appeared against the prisoners ; the rest of the English were high-flying churchmen, and the biggest part were Dutch and French, who neither knew the English law nor spake the English tongue, and either were dependents on my lord or suspected of popery. This grand jury found against Mr. Francis Mackennie a bill, that on the 22d day of January he did preach and teach at the house of one William Jackson, where were assembled together above the number of five persons at one time, and did voluntarily and unlawfully use other rites and ceremonies and form and manner of divine worship than what are contained in a certain book entitled, the book of common prayer and administration of the sacraments, against the statute in that case made and provided. Mr. John Hampton

was

Whilst these things were transacting in England, the lieutenant-governor, Mr. Stoughton, died, July 7th, 1701, at his house in Dorchester. The administration for the first time devolved upon the council. Some manuscript minutes and letters, which I have seen, about the time, and after the settlement of the charter, take it for granted that upon the death or absence of the governor and lieutenant-governor the senior counsellor would preside, and an instruction from the crown has been given for that purpose; but the expression in the charter, if it will admit of this construction, does not favour it. We must not wonder therefore, that twenty-seven counsellors did not readily give up their share in the administration to him that happened to be the eldest. It is a defect in the constitution; for although, for certain purposes, seven counsellors make a quorum, yet in all acts, as commanders in chief, it has been judged necessary, that fifteen (or a majority of the whole number) should give their consent. This must be extremely inconvenient, especially in time of war, when dispatch, often, and secrecy, sometimes, are of great importance.

Mr.

was discharged, being a man of less interest. On this bill, the said Mr. Francis Mackennie is bound over to the court in June, when he expects another jury of the same complexion, and that their design is then to make a prey of him.

Except a speedy relief be obtained, the issue will be, not only a vast oppression on a very worthy servant of God, but also a confusion upon the whole body of Dissenters in those colonies, where they are languishing under my lord Cornbury's arbitrary and unaccountable government. We do therefore earnestly solicit you, that you would humbly petition the queen's majesty on this occasion, and represent the sufferings of the Dissenters in those parts of America which are carried on in so direct violation of her majesty's commands, of the laws of the nation, and the common rights of Englishmen.

The distance of a thousand leagues between England and these colonies, and the uncertainty of communication in this time of war, make our condition under oppressors the more insupportable, before any relief or so much as a check to such a governor as my lord Cornbury can be obtained; and bespeaks the more lively compassion of those unto whom we cry, as we now do unto you to be our advocates. It is the cause of the oppressed that you now have to plead; the cause of not only many thousands in America, but of a great part of the English nation, and indeed the common cause of humanity itself. You may depend upon the truth of the representation here laid before you, and it is to be wished that it may be published unto the whole English nation.

The desires of many of the most eminent persons in New-England, thus address unto you by the pen of,

Sirs,

Your most humble servant.

To Sir H. Ashurst,

Sir W. Ashurst, and

Sir Edm. Harrison, London.

Mr. Stoughton's father was esteemed by the people; was commander in chief of the forces of the colony in the first war against the Pequod Indians, and after that many years a magistrate, and of a considerable estate for those times. This circumstance caused his own natural endowments, which were cultivated and improved by the best education the country afforded, to be more observed and valued. He was, in early life, a candidate for the ministry;* but the people judged him proper to take his father's place as a magistrate; then employed him as their agent in England; and urged him a second time to engage in the same service. It is no blemish in his character that he had many opposers. Every man, who makes it more his aim to serve than to please the people, may expect it. From the observations he made in his agency, he was convinced it was to no purpose to oppose the demands of king Charles; and from the example of the corporations in England, he was for surrendering the charter rather than to suffer a judgment or decree against it. In such case, a more favourable administration might be expected to succeed it, and in better times there would be a greater chance for re-assuming it. He consented to act as one of the council under Sir Edmund Andros, in hopes, by that means, to render the new form of government more easy. By this step he lost the favour of the people, and yet did not obtain the confidence of the governor, who would willingly have been rid of him, seldom consulted him, and by the influence he had over the majority of the council, generally carried the votes against his mind. He joined upon the revolution with the old magistrates, who made no scruple of receiving him, in re-assuming the government; but upon the election afterwards made by the people he did not obtain a vote. At the

* Many gentlemen, before and since Mr. Stoughton, who have been probationers for the ministry, have afterwards made a figure at the bar, and, in the legislative as well as executive courts of the province, gained great reputation; and some, who have been settled ministers, have not been less esteemed for leaving their parishes where an insufficient support has been afforded, or there has been other good cause assigned; but these instances are more rare. The New-England clergy do not assume an indelible character; however, after having been once ordained, or, to use one of their own as well as a scriptural expressive term, *separated* to the work of the ministry, there seems to be some more special reasons requisite to justify the forsaking this, than would be sufficient in the case of a civil employment or course of life.

the desire of the council and representatives he drew up a narrative of the proceedings of Sir Edmund and his accomplices, signed by him and several others of the council;* in which they modestly take exception to many things in the administration, and exculpate themselves from any share in them. He was nine years lieutenant-governor, and six of them commander in chief; had experienced the two extremes of popular and absolute government; and not only himself approved of a mean between both, but was better qualified to recommend it, by a discreet administration, to the people of the province. He died a bachelor. Instead of children, he saw, before his death, a college reared at his expense, which took the name of Stoughton-hall.† He had good reason to think it would transmit a grateful remembrance of his name to succeeding ages.

Sir Henry Ashurst‡ and Constantine Phips had continued agents for the province, in England, for ten years together. Divers attempts had been made, by Mr. Mather's friends, to send him again to England in the service of the province; and, after Mr. Stoughton's death, the two houses came to a resolution to choose some person in the province, and send him to England as their agent; and a great interest was made that Mr. Mather might be the man; but it happened that Mr. Cooke, who had not forgot their former difference when joint agents, stood as well with the assembly at this time as he had ever done, and had influence enough to prevent Mr. Mather from succeeding.

* They conclude their narrative with these words: "These are the chief matters which upon this occasion, without any undue prejudice against any man, or design to justify the defects of ourselves in the performance of our own shares of duty, but in answer to the desire signified to us as above, we have to set forth; professing truly, that by such a state of things as we had the experience and feeling of, the places that we held were rendered exceeding uneasy to us, and that out of a sincere respect to the prosperity of these their majesty's plantations, we could not but be very desirous, that through the favour of God and our superiors, all due redress might in a good happy season be obtained; and the way of governing English subjects in their majesties' dominions, without an assembly of the people's representatives, be banished forever.

William Stoughton,
Thomas Hinkley,
Barth. Gedney,

Wait. Winthrop,
Samuel Shrimpton."*

† The foundation stone was laid the 9th of May, 1698.

‡ Sir Henry was finally dismissed just before lord Bellamont left the province.

succeeding. The choice fell upon Waitstill Winthrop, grandson to the first governor of Massachusetts and son to the first governor of Connecticut, and who either out of respect to his family, or for some other reason which does not now appear, was considered as president of the council, although there were many who by priority of appointment, the rule generally observed, should have preceded him.

The French claim to the country east of the river Kennebeck, and to an exclusive fishery upon the sea-coast, were the reasons publickly assigned for the choice of an agent at this time, and an address to the king had passed the council and assembly, and Mr. Winthrop's instructions were prepared. These proceedings of the French were really alarming. The professed reasons, however, were not the true reasons. Mr. Dudley's solicitations for the government were known, and, although his interest in the province was increasing, yet, a majority of the General Court had a very ill opinion of him. Mr. Winthrop was a good sort of a man, and although he was of a genius rather inferior to either of his ancestors, yet he was popular, and the party against Mr. Dudley wished to have him governor. They flattered themselves that his being acceptable to the country would, together with his family and his estate, both which were of the first rate, be sufficient to recommend him; but they were mistaken. Winthrop was a plain honest man. Dudley had been many years well acquainted with the customs and manners of a court, and would have been more than a match for him. Just as he was about to embark, news came that Mr. Dudley was appointed governor and Thomas Povey lieutenant-governor. The reason of Mr. Winthrop's appointment to the agency immediately appeared. The vote for his instructions was re-considered, and his voyage laid aside. It was thought proper, however, that the address to the king should be forwarded. This was sent to Mr. Phips. A second address accompanied it, occasioned by advice of a bill being brought into the house of lords for dissolving charter governments. It is not probable that the Massachusetts charter was the special occasion of this bill. It

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differs so little from the commissions in the royal governments, as they are called, as not to be worth notice. About this time, or a little before, the spirit against the king had caused the re-assumption of many grants which he had made of private estates. If there was a special prejudice against colony charters, it is probable the charter to Pennsylvania was the most exceptionable. The proprietor was obnoxious, had absconded a few years before upon a suspicion of treasonable practices, and was still under a cloud. The people of Massachusetts instruct their agent as follows: "As to the bill, said to be lying before the house of lords, for the dissolving charter governments in the plantations, we entreat you to be very watchful in that matter and use the utmost diligence, by all convenient means, to prevent our being comprehended in or concluded by the same. Our circumstances are different from those of other plantations under charter government, our first settlement being wholly at our own cost and charge; and by our present settlement we are already reduced to a more immediate dependence on the crown, his majesty having reserved to himself the nomination of our governor, lieutenant-governor and secretary, and a negative on our laws." In their address to the king they thus express themselves: "And forasmuch as we are given to understand that, through the suggestions of some persons not well affected to charter governments, a bill has been preferred in the house of lords for vacating charter and proprietary governments within your majesty's plantations, we in all submission crave leave humbly to pray your majesty's grace and favour towards your good subjects within this your province, that no such suggestions may make an impression in your royal breast to deprive us of those privileges which we enjoy under your majesty's most gracious grant, and that we may not be included in any such act to our prejudice, without having opportunity given us of being heard and speaking for ourselves." The bill was dropped in the house of lords, and, a war with France being every day expected, the longest sword was to determine the points complained of in the first address.

The sending these addresses to Phips was grievous to Ashurst.* Although he had not very shining talents, yet being a member of parliament, having a great family interest, and being an honest man and conscientious in the discharge of his trust, he had been very serviceable to the province. He had however the fate of most agents. As soon as the party against him found they were strong enough, they left him out of the agency, and he made frequent complaints that they had slighted his services, and neglected giving him an adequate reward. All the agents who had been employed before him, except Mr. Winslow, were unsuccessful, and several, probably for that reason, thought unfaithful. The first who were employed were Weld, Peters and Hibbins, in 1640. They borrowed money for the service of the colony, and proper care not being taken by the government for the payment, these agents, for several years after, were contending about the proportion in which they should pay it themselves. Winslow, who went over in 1646, soon found more profitable employment; but his allowance was so scant from the colony that the corporation for propagating the gospel among the Indians allowed him £.100 sterling for promoting that design, but wrote to the government that it ought to be restored. Bradstreet and Norton were sent in 1660. Norton laid the reproaches he met with so much to heart as to affect his health and shorten his life. In 1677 Stoughton and Bulkley were employed, and soon after their return it was said by those who charged Bulkley with too great compliance with court measures, that his sun set in a cloud. He died of melancholy. Stoughton was reproached,

* Sir Henry Ashurst was son to Henry Ashurst, esquire, who had a great hand in settling the corporation for propagating the gospel among the Indians in New-England and parts adjacent. Sir Henry being a zealous Dissenter, accompanied Mr. Baxter when he was brought to his trial before a savage judge, was at the expense of fees for his counsel, and, after the trial, led him through the crowd and conveyed him away in a coach. Notwithstanding this, he was created a baronet in the same reign, when Dissenters, in opposition to the church of England, were in favour, just before the revolution. His lady was daughter of lord Paget. He died in 1710, leaving only one son, Sir Henry Ashurst, who married a daughter and coheiress of Sir Thomas Draper, of Sunninghill-park, Berkshire, and was member for Windsor in 1714, and died in 1732 without issue, so that the title is extinct, but the descendants of the first Henry by the younger branches remain, and the family is still respectable.

proached, and, although he had a majority of the court in his favour, he could not be prevailed on to risque his reputation a second time. Dudley and Richards were the next, in 1682. The former managed the whole business, and bore the whole blame, but, being of a very different temper from some of his predecessors, instead of laying to heart the flight of his countrymen, he was politic enough to improve frowns at home to procure favours from abroad. Mather, Cooke and Oakes were employed to solicit the restoration of the first charter. In this they failed. Mather without the consent of his brethren accepted the present charter, and although, at first, a majority of the court acknowledged his merit, the opposite party soon after prevailed, and he failed of his expected reward, and complained all his life of the ingratitude of his countrymen, after having spent not only his time but part of his estate in public service. I would draw a veil over our transactions relative to agents, if my obligations to truth would permit me. Errors and failings, as well as laudable deeds, in past ages, may be rendered useful, by exciting posterity to avoid the one and to imitate the other.

C H A P. II.

From the arrival of Governor Dudley, in 1702, to the arrival of Governor Shute, in 1716.

MR. Dudley was received with ceremony and marks of respect, even by those who had been his greatest opposers in the reign of king James. Winthrop, Cooke, Hutchinson,* Foster, Addington, Russel, Phillips, Browne, Sargent, and others, who had been of the council which committed him to prison, where he lay twenty weeks, were of the council when he arrived. Upon such political changes, a general amnesty is oftentimes adviseable and necessary.

The affront and insult shewn by Lewis XIV. not only to the prince upon the throne, but to the English nation, in proclaiming another person king, had rendered a war with France inevitable, before the governor left England. The news of its being proclaimed arrived in a few weeks after him. Nothing less could be expected than a war with the Indians also. Ever since the peace, in 1698, the governor of Canada, by his emissaries, had been continually exciting them to hostilities; and justified himself upon this principle, that the Indians having cast themselves upon the French long since as their protectors, and being proprietors of the eastern country, where the English had usurped a jurisdiction, which as far westward as Kennebeck rightfully belonged to the French, the English therefore were to be considered as intruders and invaders upon the jurisdiction of the French, and upon the property of the Indians.

The governor, in the summer of 1703, visited all the eastern frontiers as far as Pemaquid; taking such gentlemen of the General Court with him as he thought proper; † met the delegates from the Indian tribes and confirmed

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* Col. Hutchinson had the command of the castle when Mr. Dudley arrived, but was removed and succeeded by lieutenant-governor Povey.

† He always refused to allow the two houses to appoint committees to attend him upon any treaties.

ed the former treaties which had been made. He had recommended, in his first speech to the assembly, the rebuilding the fort at Pemaquid ; and the gentlemen who accompanied him east, reported in favour of it, and their report was accepted by the council ; but the house continued of the same mind they had formerly been, urging that all the money they could raise would be wanted for other services more necessary than that, and refused to comply with the governor's proposal. His heart was set upon it ; the ministry continued their prejudice in favour of this particular spot, and, it is not improbable, that he had given encouragement he should be able to carry a point which his predecessors could not, and therefore was the more mortified at the failure.

The Indians upon the Massachusetts frontiers continued quiet this year, but the Nova-Scotia Indians seized three of the fishing vessels belonging to this province, upon a report that war was declared. The council attempted to recover them, and by the interposition of Bruillon, governor of Nova-Scotia, two if not the third were restored.

At the first election Mr. Dudley treated the house more cavalierly than Sir William Phips or Lord Bellamont had ever done. After the list of counsellors elect had been presented, " A message was sent from his excellency, to desire Mr. speaker and the house forthwith to attend him in the council chamber ; and, Mr. speaker and the house being come up, his excellency observed to them, that in their list of elections presented to him, he took notice that there were several gentlemen left out that were of the council last year, who were of good ability, for estate and otherwise, to serve her majesty, and well disposed thereto, and that some others who were new elected, were not so well qualified, some of them being of little or mean estate ; and withal signified that he should expunge five of the name in their list, viz. Elisha Cooke, and Peter Sargent, esquires, Mr. Thomas Oakes, Mr. John Saffin, and Mr. John Bradford, and dismissed the house, who returned to their chamber."* Cooke had been of

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* General Court record.

the council nine or ten years, had been assistant before the revolution, married a daughter of governor Leveret, and was allied to the best families in the province, had a better estate than the governor himself, but then he had been agent in England, and discovered greater zeal for prosecuting the complaints against Andros, Dudley, &c. than any of his fellow agents. Sargent had married the relict of Sir William Phips. Oakes had been one of the agents in England also, and under the direction of Cooke. Saffin was a principal inhabitant of Bristol, (the father of Thomas Saffin in Stepney church-yard, whose memory the author of the Spectator has immortalized) and Bradford was grandson of the first worthy governor of Plymouth.

There had been but one instance of the governor's refusal of a counsellor since the charter. The right of refusal could not be disputed. Had the power been frequently exercised, less exception would have been taken to this instance; but the long disuse of it caused the re-assumption of it upon so many persons at once to be more disagreeable. Oakes was of the house, and, notwithstanding the negative as a counsellor, remained there; and if he could be of any consequence, this would add to his weight.

Lord Cornbury, governor of New-York, some time in the month of May advised Mr. Dudley of an army of French and Indians, intending to make a descent upon Deerfield, in Massachusetts. The intelligence was brought to Albany, by some of the praying or christianized Mohawks, who had been to visit their friends at Cagnawaga in Canada, who formerly had belonged to the same village about forty miles from Albany. This design was not immediately carried into execution.

Whilst every one was fearing hostilities from the Indians, several Englishmen, pretending friendship to Castine, son of the baron de St. Castine by an Indian woman, who now lived at Penobscot, plundered his house, &c. and made great spoil. Upon his complaint to the government, he was assured the action should not go without due punishment, and that restitution should be made.

About

About the same time, the Indians did mischief to some of the people of Kennebeck. Which action was first, I cannot ascertain. Perhaps neither of them was from resentment or revenge for the other.

Before the end of the year, the blow threatened in the beginning of it was struck upon Deerfield. This was the most remote settlement upon Connecticut river, except a few families at Squakheag, or Northfield, adjoining to it. Deerfield, being easiest of access of any place upon the river, had often suffered by small parties. In 1697, an attempt was made upon it, but failed of success, through the vigilance and bravery of the inhabitants, with Mr. Williams their minister at their head. Colonel Schuyler, of Albany, had obtained information of the designs of the enemy upon it this year, and gave notice seasonable enough to put the people upon their guard. It was afterwards thought remarkable, that the minister had it strongly impressed upon his mind, that the town would be destroyed. It would not have been very strange, if this impression had never been off his mind. He warned his people of it in his sermons, but too many made light of the intelligence, and of the impressions which naturally followed. The government, upon his application, ordered twenty soldiers as a guard. The party, which had been fitted out at Canada, consisted of about three hundred French and Indians, under Hertel de Rouville, who had four brothers with him; their father had been a noted partisan, but was now unable to take so long a march. They came upon the town, the night after the 28th of February. In the fore part of the night, and until about two hours before day, the watch kept the streets; and then unfortunately went all to sleep. The enemy, who had been hovering about them, and kept continually reconnoitring, perceived all to be quiet, and first surprised the fort or principal garrison house. The snow was so high in drifts that they had no difficulty in jumping over the walls. Another party broke into the house of Mr. Williams, the minister, who, rising from his bed, discovered near twenty entering. He expected immediate death, but had the firmness of mind to take down a pistol, which he always

always kept loaded upon his tester, and to present it to the breast of the first Indian who came up to him. The pistol, fortunately for Mr. Williams, snapped only and missed fire. Had he killed the Indian, his own life no doubt would have been taken in revenge. Being in effect disarmed, he was seized and pinioned, and kept standing in his shirt only in that cold season the space of an hour. In the mean time, his house was plundered, and two of his children and a negro woman murdered. His wife and five other children were suffered to put on their clothes, and then he himself was allowed to dress, and prepare for a long march.

Other parties fell upon other houses in the town, and slew about forty persons, and made about one hundred more prisoners. Sun about an hour high, the enemy had finished their work, and took their departure, leaving all the houses, out-houses, &c. in flames. Mrs. Williams had scarcely recovered from her lying-in, and was in a weak state. The enemy made all the haste they could, lest a superior force should overtake them. The second day, she let her husband know she was unable to travel any farther, as fast as they did. He knew the consequence, and would gladly have remained with her and assisted her; but they had different masters, and leave could not be obtained, and he was carried from her and soon after heard that her master had sunk his hatchet into her brains. One cannot easily conceive of greater distress than what an affectionate husband must then have felt. About twenty more of the prisoners, in their travel towards Canada, gave out, and were killed also.* They were

* This is not mentioned as an instance of savage barbarity. Their own preservation often depends upon their destroying their prisoners. Henry V. of England killed, in cold blood, the flower of France, when he supposed his own little army to be in danger. The Indians, after these onsets, always expected to be pursued. If they left their grown captives in the woods they would discover them to their pursuers, if such captives should be found by them. To leave young children to die would be more cruel than to kill them outright. Their barbarities are committed when they are intoxicated with liquor or enraged with passion. Some of the children who were taken at Deerfield they drew upon flays; at other times they have been known to carry them in their arms or upon their backs to Canada. This tenderness has occasioned the beginning of an affection, which in a few years has been so riveted, that the parents of the children, who have gone to Canada to seek them, could by no means prevail upon them to leave the Indians and return home. One of Mr. Williams's daughters married an Indian husband, and yet lives with

were twenty-five days between Deerfield and Chamblis, depending upon hunting for their support as they travelled.* Vaudreuil, the French governor of Canada, treated these prisoners with humanity; and although the Indians have been encouraged, by premiums upon prisoners and scalps, to lay waste the English frontiers, yet the captives who have been carried to Canada have often received very kind usage from the French inhabitants.

The unfortunate provinces of Massachusetts and New-Hampshire, were the only people upon the continent against whom the French and Indians, during a ten years war, exerted their strength. Connecticut and Rhode-Island were covered by Massachusetts. New-York took care of themselves and of the colonies south of them, by a neutrality which the Iroquois or Six Nations (influenced by those who had the direction of Indian affairs) engaged to observe between the English and French. This was, in effect, a neutrality between the French and the English governments to the southward of New-England. Nothing could be more acceptable to the Canadians. The New-England governments felt the terrible consequences. Charlevoix gives this account of it. "Teganissorens arrived, a little while after, at Montreal, and, in the conference which he had with the commander in chief, he appeared at first to be out of humour, which boded ill to the business he came upon. The Europeans, says he, are an out-of-the-way people; after they have made peace, one with another, they go to war again for mere nothing at all. This is not our practice; after we have once signed to a treaty, there must be some very strong reasons to induce us to break it. He went on and declared that his nation should not engage in a war which they did not approve of, neither on one side nor the other. Monsieur de Vaudreuil let Teganissorens know that

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with them. I saw at Albany two or three men, in the year 1744, who came in with the Indians to trade, and who had been taken at Groton in this, that is called queen Anne's war. One of them, — Tarbell, was said to be one of the wealthiest of the Cagnawaga tribe. He made a visit in his Indian dress and with his Indian complexion (for by means of grease and paints but little difference could be discerned) to his relations at Groton, but had no inclination to remain there,

* Most of the captives were redeemed after some years. Two of Mr. Williams's sons, after their return, were worthy ministers, of amiable characters, one at Waltham, now deceased; the other still living at Long-Meadow, in Springfield.

he desired nothing further ; and, that the Iroquois might have no pretence to break so advantageous a neutrality, he determined to send out no parties towards New-York.” Again, upon another occasion, “ At all events, the Six Nations, and especially the Tsiononheans,* were resolved strictly to observe the neutrality which they had sworn, and of which they had begun to feel the benefit ; but you may see that they were much set upon including the English, that they might be considered as mediators between them and us. M. Vaudreuil, who had very early seen through their design, had acquainted the court with it, and received for answer, that if he was able to carry on the war to advantage without putting the crown to any extraordinary expense, he should reject the proposals of the Iroquois ; otherwise he might settle a neutrality for America upon the best terms he could, but that it was not for his majesty’s honour that his governor and lieutenant-general should be the first mover of it. The minister added, that he thought it would be most proper for the missionaries to let the Indians know that the French did not desire to disturb the peace of the country ; that although they were very well able to carry on a vigorous war, yet they preferred the quiet of Canada to all the advantages they might reap from the superiority of their arms ; and if the Six Nations, convinced that this was our disposition, should cause the English to ask a neutrality for their colonies, M. Vaudreuil might consider of it ; but that he should not come to a conclusion without orders from the king.”

I am sensible Charlevoix says, that “ the Bostoneers would have obtained the same thing from the Abenakis, or eastern Indians.” It is certain, that the Massachusets government would have been content (provided the eastern Indians had continued at peace with the English) that they should not be obliged to go to war against the French ; but the inhabitants of Massachusets, in all their treaties with the eastern Indians, made peace for the other governments as well as for themselves ; and hostilities against Connecticut or New-York would have been deemed

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ed a breach of the peace, as well as those against Massachusetts ; whereas the New-Yorkers, or rather the Albanians, suffered the Canada Indians to go through their province and fall upon any of our frontiers, without looking upon it to be a breach of the neutrality, and carried on great trade both with French and Indians at the same time, and sometimes the plunder made in the county of Hampshire became merchandize in Albany. Some of the best people detested such proceedings, particularly colonel John Schuyler, of Albany, who, by means of the Indians of the Six Nations in the English interest, informed himself of the intended expeditions of the French, and French Indians, and gave frequent notice to the people upon our frontiers to be upon their guard ; but most of the inroads made upon us he had it not in his power to discover.

That the French might improve this plan to greater advantage, they drew off, about this time, a great number of the Abenaquis families from Penobscot, Norridgewock, Saco, Pigwacket, &c. and settled them at Becancour and St. Francois, in Canada, where they were known to the English by the name of St. Francois Indians. Here they were under the constant direction of the governor of Canada, and were sent out, from time to time, with parties of the Six Nations in the French interest and French Canadians, to massacre the men, women and children upon the east and west frontiers. Charlevoix says, " they were intended as a barrier against the inroads of the Six Nations, in case of a future war between them and the French."

Massachusetts, thus harassed and perplexed, thought it necessary to remain no longer on the defensive only, and in the fall sent out three or four hundred men to a noted settlement of the Indians at Pigwacket, and another party to the ponds, Offapy, &c. upon the back of the eastern frontier ; but neither party met with the enemy. Soon after, colonel March going out with another party, killed and took about a dozen of the enemy. This measure not answering expectation, to encourage small parties of the English to go out and hunt the Indians, the General Court promised

ised a bounty or reward no less than forty pounds, for every Indian scalp. Captain Tyng went out in the winter and brought in five.

In the spring, another project was tried. About an hundred Indians were obtained from Connecticut and posted at Berwick, in the county of York; but these Indians were not only strangers to the woods, and wholly ignorant of the frontiers of Canada, but by long living in a depressed state among the English, were dispirited, enervated, and unfit for this service, and nothing remarkable was effected. Had not the Six Nations been restrained; parties of them, harassing the French settlements, would have induced the French, for their own preservation, to have suffered the frontiers of New-England as well as New-York to have remained unmolested.

All these attempts failing, a still more expensive undertaking was agreed on. It was supposed that an army to sweep the coast and country from Piscataqua-river to Nova-Scotia, would strike terror into the Indians and bring them to reason. Colonel Church, noted for his exploits in former wars, especially in Phillip's war, was pitched upon to command in this expedition, and had orders to enlist as many as he could, both of English and Indians, who had been in service before. This is called by Charlevoix an expedition against Port-royal; but Church was instructed not to make any attempt against the fort there, and to ravage the country only. Mr. Dudley had intimations of the queen's intention, to send ships the next year for the reduction of that fortrefs.*

Church had five hundred and fifty soldiers under him, in fourteen small transports, and was provided with thirty-six whale-boats, and convoyed by the Jersey man-of-war, of forty-eight, the Gosport of thirty-two, and the province sloop of fourteen guns. He stopped first at Montinicu, and sent two of his boats to Green-Island, where he took four or five French and Indians, who served him for pilots up Penobscot river and to the Indian settlements there. In this river he killed and took captive divers of the enemy;

* This he publickly gave as his reason. His enemies charged him with a secret desire that the place might be preserved, for the sake of unlawful trade with the inhabitants, in which he was to be a sharer.

my; among the captives were Castine's daughter and her children, her husband and father being gone to France, where Castine had an estate, upon which he lived after he left America. The transports lay at Mount Desart. Church, having taken from them a fresh supply of provisions, went in the boats up the western Passimaquady. In the harbour, he found only a French woman and her children upon an island, and another family upon the main, near to it. He then went up the river, where he took prisoners Gourdon a French officer and his family, who lived in a small cottage. Church seeing some of his men hovering over another hut, he called to them to know what they were doing; and upon their reply, that there were people in the house who would not come out, he, hastily bid his men knock them in the head; which order they immediately observed. He was much blamed for this after his return, and excused himself but indifferently. He feared the enemy might fall upon his men, whom he saw were off their guard, which put him in a passion. He went as high up the river as the falls, taking or destroying all in his way; missed Chartiers, another French officer, who lived or was posted there. The transports took in the forces at the harbour or mouth of the river, and carried them to Menis; the men-of-war standing for Port-royal. At Menis he met with some opposition, the enemy firing from the banks as he rowed up the river to the town; but he lost none of his men. They found plenty not only of fresh provisions but good liquor in the town, which occasioned such disorders among the men, especially the Indians, that it was necessary to stave all the casks which had any wine or spirits in them, and it was done accordingly. Here the lieutenant of Church's own company, Barker, (Charlevoix calls him the lieutenant-general) and one man more were shot down, which were all that were lost in the expedition. After plundering the inhabitants of all their goods, they set the town on fire, and then embarked on board the transports. The inhabitants of a village upon another branch of the river supposed the English to be gone, and that they should escape; but Church went back with his boats, and, going up this branch,

Branch, came unexpectedly upon the village and took what prisoners he had a mind to, and, among the rest, two gentlemen who had been sent by the governor of Port-royal to bring two companies of soldiers for the defence of the place against the men-of-war which appeared in the gut. Church gave the gentlemen leave to return, for the sake of sending a message by them to the governor, to desire him to acquaint the governor of Canada, that if he did not prevent his French and Indians from committing such barbarities upon poor helpless women and children as the people of Deerfield had suffered the last year, he would return with a thousand Indians and let them loose upon the frontiers of Canada to commit the like barbarities there. This the French governor must know to be a gasconade.

The forces after this went up what is called the eastern river, and destroyed the settlements there, and then returned to the transports, and joined the men-of-war at Port-royal ; where it was agreed, both by sea and land officers, that no attempt should be made. The men-of-war returned to Mount Desart harbour, and Church, with his transports, went up to Chignecto. The inhabitants all fled, taking with them as much of their substance as they could carry away ; the rest they left to the mercy of the English, who laid all waste. From Chignecto they went to Mount Desart ; the men-of-war being gone to Boston, the transports followed ; and, stopping at Casco-Bay, Church found orders lodged there, from the governor, to go up Kennebeck river as far as Norridgewock fort ; but having intelligence that it was deserted, and his men having undergone much fatigue, he thought it best to return home.

This expedition Mr. Dudley supposes, in his speech to the assembly, struck great terror into the Indians, and drove them from our frontiers ; but it appears from Church's journal, that the poor Acadians, who had been so often ravaged before, were the principal sufferers now, and that the Indians were little or nothing annoyed.*

An

* Mr. Dudley laid himself open to censure. The professed design was the reduction of Port-royal. When it was known that this never was the real design, it was

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An exploit of Caleb Lyman, of Northampton, deserves to be recorded. Hearing of a small party of Indians at Cohas, far up Connecticut river, he went out with only five friend Indians, and, after nine or ten days' travel, came upon the enemy Indians in the night, killed seven out of nine, and the other two escaped, but were wounded.

This may be placed among the favourable years ; but the frontiers were not without annoyance. In April, an Indian scout killed Edward Taylor, at Lamprey river, and carried his wife and child to Canada ; major Hilton with twenty men pursuing without overtaking them. They lay in wait to take colonel Waldron at Cochecho, but missed him, carrying off one of his servants in his stead.* July 31. About four hundred French and Indians fell upon Lancaster, and assaulted six garrison-houses at the same time, which made a brave defence. They burned many other dwelling-houses and the meeting-house. An alarm was soon spread, and three hundred men were in the town before night, who engaged the enemy with some loss on both sides. The beginning of August, a party of the enemy, lying in wait, fired upon a small scout going from Northampton to Westfield, killed one man and took two prisoners ; but more of our forces being behind, they came up, retook the two men and killed two of the Indians. Soon after, they killed lieutenant Wyler and several others at Groton, and at a plantation called Nashaway.

Almsbury, Haverhill and York, in Massachusetts, and Exeter, Dover, and Oyster river, in New-Hampshire, suffered more or less this summer by the enemy.

The

not an easy thing to persuade the people that want of orders from the queen was the true cause. A correspondence between the friends of the governor and the French in Acadie was suspected, and it was said the place must be preserved for the sake of trade, in the profits of which the governor was to have his share. " When Church went with his forces to Port-royal he could easily have taken the fort, or done any thing in the world, but the reason which he has often given for his not doing it is, because you absolutely forbade him, you peremptorily forbade him. The cause you assigned was, because the matter had been laid before the queen, and the queen had sent over no orders for it, and though the queen had sent no orders we send with a pretence to take it. — But the story grows now too black a story for me to meddle with it — The expedition baffled — The fort never so much as demanded — An eternal gravestone laid on our buried captives — A nest of hornets provoked to fly out upon us — A shame cast upon us that will never be forgotten — I dare not, I cannot meddle with these mysteries." — *Cotton Mather's letter to Gov. Dudley, Jan. 20, 1707.*

* This story was a fiction.

The licentious practice, indulged among the seamen, of making depredations upon foreign nations in the East and West Indies was not wholly suppressed. John Quelch (who had been master of the brigantine Charles, and had committed many piratical acts upon the coast of India) came with several of his crew and landed, some in one part of New England, some in another. Quelch and six more were condemned at Boston and executed. Some were admitted to be witnesses for the king, some reprieved, and some pardoned. The governor, upon this occasion, found old prejudices against him reviving. Reports were spread of large sums of money falling into the hands of the governor and of his son, the queen's advocate, which, however groundless, easily obtained credit.*

Mr. Dudley's principles in government were too high for Massachusetts people. He found it very difficult to maintain what appeared to him to be the just prerogative of the crown, and at the same time to recover and preserve the esteem of the country. The government had been so popular under the old charter, that the exercise of the powers reserved to the crown by the new charter was submitted to with reluctance. Sir William Phips was under the influence of some of his council and some of the ministers of note, and suffered remains of customs under the old form hardly consistent with the new. Mr. Stoughton, expecting every day to be superseded, avoided all occasions of controversy. Lord Bellamont, indeed, in some instances, assumed more than he had right to. His quality, and the high esteem at first conceived of him, prevented any controversies during his very short administration. Mr. Dudley set out with resolution to maintain his authority. The people were more jealous of him than they would have been of any other person. His negativing five

* I have taken so many facts and remarks, in my first volume, from a manuscript history of Mr. William Hubbard, one of the ministers of Ipswich, that I may not omit taking notice of his death, Sept. 14, 1704, at the age of eighty-three years; and giving him the character he deserved, of a man of learning, of a candid and benevolent mind, accompanied, as it generally is, with a good degree of catholicism; which, I think, was not accounted the most valuable part of his character in the age in which he lived. Among his other grandchildren, Nathaniel Hubbard, esquire, shone with peculiar lustre, inherited his grandfather's virtues, especially that amiable spirit of benevolence. He was of the council, and one of the justices of the superior court, too late in life for his country to reap any long benefit.

of the council, the first election, was an unpopular stroke. The next year (1704) the two houses chose again two of the negative persons, Mr. Cooke and Mr. Sargent, and the governor again refused to approve of them. They were such favourites of the house, that the speaker, the house being present, addressed his excellency and prayed him to re-consider his negative and to approve of the choice. This was out of character, and the house dishonoured themselves, and had the mortification of being denied. This year neither of the persons were chosen of the council, but one of them, Mr. Oakes, being chosen speaker of the house, upon the governor's being acquainted therewith, he signified to the house that he disapproved of their choice, and directed them to proceed to the choice of another, which they refused to do. It had been always the practice for the governor to give directions to the two houses to proceed to the choice of counsellors; but the dispute about the speaker prevented it at this time, the council inserted themselves, and the question being put, whether it was in the governor's power, by virtue of the charter, to refuse the election of a speaker and direct the choice of another, they determined it was not, and immediately joined the house in electing counsellors. The next day the governor declared, that he looked upon it to be her majesty's prerogative to allow or disallow the choice of a speaker, but he would not delay the assembly by disputes, when the affairs of the war were so pressing, saving to her majesty her just rights at all times.

The governor had it in special command to recommend three things to the assembly; the re-building the fort at Pemaquid; the contributing to a fort at Piscataqua; and the establishing honourable salaries for the governor, lieutenant governor and judges of the courts. He had been pressing these things from his first arrival, but could obtain neither of them; and as to salaries, they not only refused fixing a salary, but allowed him only 500l. per annum, viz. three hundred of it in the spring and two hundred in the fall. To the lieutenant governor they gave 200l. annually, as lieutenant governor and captain of the castle; and although it was more than any

lieutenant governor has received since, yet he found it insufficient to support him, and this year, by the way of Lisbon, went back to England and never returned to the province. A message from the house this year to the governor, though not very elegant, shews the sense they had of these matters.

“ May it please your excellency,

“ IN answer to those parts of your excellency’s speech at the beginning of the session, referring to her majesty’s directions for the building a fort at Pemaquid, contributing to the charge of a fort at Piscataqua, and settling of salaries, we crave leave to offer,

“ Imprimis, as to the building a fort at Pemaquid, we are humbly of opinion, that her majesty hath received misrepresentations concerning the necessity and usefulness of a fort there; wherefore this house, in their humble address to her majesty, dated the 27th of March, 1703, and since twice repeated, did among other things lay before her majesty our reasons why we could not comply with her expectations in that affair; as

“ First, the little benefit said fort was to us, not being, as we could discern, any bridle to the enemy or barrier to our frontiers, being out of the usual road of the Indians, and one hundred miles distant from any English plantation; and seemed only to make an anchorage for a few fishing boats that accidentally put in there; but the expense thereon was very great, not less than twenty thousand pounds.

“ Secondly, the charge of the said fort will be such that we cannot see how the province can possibly sustain it, having already laid out several large sums of money in raising new fortifications at Castle Island, &c. which was set forth in the address and memorial accompanying the same; but we understand we have been so unhappy as that the said address and memorial did not reach her majesty’s hands, because proceeding from this house alone, although the addressing her majesty is a privilege ever allowed to the meanest of her subjects. We did therefore, at our session in February last, join the council in making our humble address to her majesty upon the affair aforesaid, which we hope

hope hath some time since arrived, to her majesty's favourable acceptance.

" The second article is the contributing to the charge of Piscataqua fort. The fort in that province has been built several years past, when it was not desired or thought necessary that this province should assist them therein. The late reforms and reparations made of the same, as we have been informed, stands that whole province about the sum of five hundred pounds, which doth not amount to the quota of several particular towns, within this province, towards the charge of the war one year; and all the navigation and trade of this province, coming down Piscataqua river, have been charged with a considerable duty towards the support of that fort; and this province hath always afforded such guards as were needful for their hauling of masts, timber, &c. for her majesty's service, whilst the principal benefit and advantage of the trade hath accrued to that province. And they have never contributed any thing to the charge of our forces, forts and garrisons, or guard by sea, that are as great a safety and defence to them as to ourselves; but the public charge of that government has been much less proportionably than the charge of this; which being considered, we hope no assistance will be expected from us towards the charge of the said fort.

" Thirdly, as to the settling fixed salaries, the circumstances of this province as to our ability to support the government are at times so different, that we fear the settling of fixed salaries will be of no service to her majesty's interest, but may prove prejudicial to her majesty's good subjects here: and as it is the native privilege and right of English subjects, by consent of parliament, from time to time, to raise and dispose of such sums of money as the present exigency of affairs calls for; which privilege we her majesty's loyal and dutiful subjects have hitherto lived in the enjoyment of, so we hope and pray always to enjoy the same under our most gracious sovereign and her successors."

The governor then proposed the several matters to the council.

1st. Whether they advised to the building a fort at Pemaquid,

2d. Whether they advised to a contribution towards the charge of Piscataqua fort.

3d. Whether they advised to the settling a fixed salary for the governor and lieutenant governor for the time being.

And they gave a negative answer to each question.

It was a great disappointment to be able to carry neither of these points, which the ministry were very much set upon, and which it is not improbable they were encouraged might be obtained. Had they been matters less unpopular, yet the governor's weight at this time would have been scarce sufficient to have carried them through. The prejudices against him were great. The people in general looked upon him as an enemy, even to the privileges of the new charter. Sir Henry Ashurst procured an original letter, wrote by the governor's son Paul, who was then attorney general, to Mr. Floyd, and sent it to New England, in which were these expressions :—“ The government and college are disposed of here in chimney corners and private meetings, as confidently as can be—this country will never be worth living in for lawyers and gentlemen, till the charter is taken away—My father and I sometimes talk of the queen's establishing a court of chancery in this country. I have wrote about it to Mr. Blathwait.” Copies were dispersed about the province, and the letter was soon after printed. Mr. Dudley had no rest the first seven years; besides the opposition he met with in his administration, endeavours were using soon after his arrival to supplant him, and his enemies prevailed upon sir Charles Hobby (who had been knighted as some said for fortitude and resolution at the time of the earthquake in Jamaica, others for the further consideration of 800l. sterling) to go to England and solicit for the government. He was recommended to sir H. Ashurst, who at first gave encouragement of success. Hobby was a gay man, a free liver, and of very different behaviour from what one would have expected should have recommended him to the clergy of New England; and yet, such is the force of party prejudice, that it prevails

vails over religion itself, and some of the most pious ministers strongly urged in their letters that he might be appointed their governor instead of Dudley; for which Ashurst himself, after his acquaintance with Hobby, approves and censures them.

The governor this year sent Mr. Livingston, William Dudley the governor's son, and two or three other gentlemen, to Canada, for the exchange of prisoners; who brought back with them Mr. Williams, the minister, and many of the inhabitants of Deerfield, with other captives. Vaudreuil, the French governor, sent a commissioner to Boston, with proposals of neutrality, which were communicated to the general court, who did not think proper to take any steps towards effecting it. They wished and hoped instead of a neutrality for the reduction of Canada; whereas the employment given to the French strength in Europe might well cause Vaudreuil to fear the want of protection, and dispose him to secure himself by a neutrality. Dudley, however, kept the matter in suspense with Vaudreuil for some time; and to the policy of his negociation it was owing, that the people upon the frontiers enjoyed remarkable tranquillity, and he values himself upon it in his speech to the general court. Charlevoix says, "It was evident Mr. Dudley had no intention to agree, that he was a long time in treaty, and at length declared that he could come to no agreement without the consent of the other English colonies; and thereupon Vaudreuil caused hostilities to be renewed against the people of New England. He adds, that the Canadians were much dissatisfied with their governor, for suffering Mr. Dudley's son* to remain some time at Quebec, under pretence of finishing the treaty, and for permitting a New England brigantine to go up and down the river."†

Another negociation the next year had a less desirable effect. William Rowse was sent in a small vessel to Nova Scotia as a flag of truce. He tarried there a long time, and brought back only seventeen prisoners. Being sent

a second

* Afterwards colonel Dudley, the governor's youngest son, many years a member of the house, speaker, and then of the council, deservedly esteemed and constantly employed in the most important services of government.

† Thomas Hinkley, esquire, many years governor of Plymouth colony, died at Barnstable aged 74.

a second time, he brought no more than seven. Much greater numbers were expected, considering the time spent in procuring them. Upon his last return, it was charged upon him, that instead of employing his time in redeeming captives, he had been trading with the enemy and supplying them with ammunition and other stores of war. Rowse, upon examination, was committed to prison. Samuel Vetch, afterwards colonel Vetch, and governor of Nova Scotia ; John Borland, a merchant of note in Boston, and Roger Lawson, were all apprehended and examined, and bound to answer at the superior court. There was a general clamour through the province ; and it was whispered about that the governor was as deeply concerned as any of the rest ; and such reports against a governor as easily obtain credit, with many, without grounds as with.* The house of representatives took the first opportunity of satisfying themselves. It was suggested there, that the superior court had no cognizance of the offence ; and that admitting Nova Scotia to be part of the province, yet it was not within the bounds of any county, and there was no authority but the general court that could punish it. (The carrying the goods from Boston, and the conspiracy there, were not considered.) Besides, no persons could be supposed to have the public interest so much at heart, and none so like to search to the bottom. They thereupon resolved, that the superior court had not jurisdiction, and that a parliamentary inquiry was necessary ; and, in imitation of the house of commons, they framed articles of accusation and impeachment against the several persons apprehended, for traiterously supplying the queen's enemies, &c. These were signed by the speaker, and sent by a committee to the council, (June 25) praying " that such proceedings, examinations, trials and judgments may be had and used upon and relating to the said persons as is agreeable to law and justice." It was expected that the council should proceed as the house of lords do upon an impeachment. No wonder the council did not immediately proceed. In trying a capital offence it behoved them to be well satisfied of their jurisdiction.

No

* *Tam fidi pravique tenax quam nuncia veri.* VIR.

No notice is taken of the affair in the council books for above a fortnight. The governor sat every day in council, and he still continued the practice of directing every day upon what business the council should proceed. It having been reported that the house, in their examination of the prisoners, inquired how far the governor was concerned, on the 9th of July they passed a vote, vindicating themselves from an aspersion cast upon them, as having, in the examination of the prisoners, made it the first question, whether the governor was not concerned with them in the unlawful trade ; wickedly insinuating that the house had suspicion thereof, which they declared to be utterly false ; and they thanked his excellency for his utmost readiness and forwardness, upon all occasions, in detecting and discouraging all such illegal trade and traders. For this the governor gave them thanks.

Before the 13th of July, the house were either convinced that the form of proceeding was irregular, or else that they could not support the charge of high treason, and ordered a bill to be brought in for inflicting pains and penalties ; some moved for a bill of attainder, but the court being near rising, a message was sent to the governor, desiring that the prisoners charged might be kept in close custody until the next session, in order to further proceeding against them.

At the next session a few weeks after, the persons charged, with two or three other accomplices of less note, were brought upon trial before the whole court ; the governor's son, Paul Dudley, the queen's attorney, supporting the charge. The prisoners were heard by council in their defence. The court pronounced them all to be guilty, and then proceeded to determine their punishment. A committee of the two houses reported a fine of 1000l. on Mr. Borland and three months' imprisonment ; 350l. on Roger Lawson and three months' imprisonment ; 400l. on Samuel Vetch and one year's imprisonment ; 1000l. on William Rowse, one year's imprisonment and incapacity of sustaining any office of public trust ; 100l. on John Phillips, jun. and one year's imprisonment ; and 100l. on Ebenezer Coffin. The house accepted this report, with

an addition to Rowse's punishment, that he sit an hour upon the gallows with a rope about his neck: but the board disagreed to and reduced all the fines except Rowse's, and disagreed to the infamous part of his punishment. After a conference between the two houses, they settled the penalties as follows, viz. on Vetch a fine of 200l. Borland 1100l. Lawson 300l. Rowse 1200l. and incapacity; Phillips 100l. and Coffin 60l. all to stand committed until the fines and costs of prosecution were paid; and six separate acts passed the whole court for these purposes. By a clause in the charter, the general court is empowered to impose fines, imprisonments and other punishments, and in consequence of this clause the proceeding was thought to be regular; but the queen did not think so, and these acts were disallowed.* The governor was

under

* "At the court at Kensington the 24th of September, 1707, present the queen's most excellent majesty, his royal highness prince George, lord archbishop of Canterbury, lord Chancellor, lord Treasurer, lord Privy Seal, lord Steward, earl of Sunderland, earl of Berkeley, lord bishop of London, lord Coningsby, Mr. Bertie, Mr. Vice-Chamberlain, lord chief justice Holt, lord chief justice Trevor, Sir Charles Hedges, Mr. Vernon.

"Whereas by powers granted under the great seal of England, to the governor or commander in chief of her majesty's province of Massachusetts Bay in New England, in America, the governor, council and assembly of that province are authorised and empowered to make, constitute and ordain laws, statutes and ordinances for the public peace, welfare and good government of the said province, which laws, statutes and ordinances are to be (as near as conveniently may be) agreeable to the laws and statutes of England, and to be transmitted to her majesty for her royal approbation or disallowance of them. And whereas, in pursuance of said powers, there have been passed in the said province, the 7th of August, six acts, intitled, viz. An act for the punishment of Samuel Vetch, esquire, for high misdemeanor. An act for the punishment of John Borland, merchant, for high misdemeanor. An act for the punishment of Roger Lawson, merchant, for high misdemeanor. An act for the punishment of William Rowse, mariner, late commander of the floop Ann, a flag of truce in the immediate service of her majesty's government of this province, for high misdemeanor. An act for the punishment of John Phillips, jun. for high misdemeanor. An act for the punishment of Ebenezer Coffin, mariner, for high misdemeanor. The said several persons above-mentioned having been accused of trading with the French and Indians at Nova Scotia; which said several acts having been perused and well considered by the lords commissioners of trade and plantations, who by their report, this day read at the board, humbly represent their opinion, that the said acts are not fit for her majesty's royal approbation, the crimes in the said several acts mentioned being in nowise cognizable before the general assembly there, in regard they have no power to proceed against criminals, such proceedings being left to the courts of law there, in which they may best be carried on by the ordinary rules and known methods of justice: her majesty taking the same into consideration and approving of the said report, is graciously pleased, with the advice of her privy council, hereby to declare her royal disapprobation and disallowance of the said acts; and pursuant to her majesty's pleasure thereupon, the said acts are hereby repealed and declared void and of no effect. And her majesty is further pleased to order, and it is accordingly hereby ordered, that the fines imposed upon the said Samuel Vetch,

John

under a disadvantage, any obstruction to the two houses would have been improved as an evidence of the truth of the reports of his being *particeps criminis*; his compliance did not satisfy the people. An ill impression against persons in authority is not easily effaced. Several persons, some in Boston, the most in London, signed a petition,*
full

John Borland, Roger Lawson, William Rowse, Ebenezer Coffin and John Phillips, by virtue of the afore-mentioned acts, be restored and paid back to them, they first giving sufficient surety, not exceeding the value of the respective fines, to stand a new legal trial at law, if they should be prosecuted within a year after their entering into such security; but in case they be not prosecuted within the term of one year, for the crimes mentioned in the said acts, that the said securities be void. And the governor or commander in chief of her majesty's said province of New England, and all others whom it may concern, are to take notice of this her majesty's pleasure, and yield all due obedience hereunto accordingly.

Edward Southwell.

The power of making laws seems to be understood by the lords of trade to be founded upon the commission to the governor. Perhaps a form used in allowing or disallowing acts of the royal governments, without considering the charter, was taken up for Massachusetts.

* "To the queen's most excellent majesty.

"The humble petition of your majesty's most loyal subjects, inhabitants in your majesty's dominions in America or trading thereto, sheweth,

"That colonel Joseph Dudley, whose arbitrary and tyrannical proceedings had exposed him to the just resentments of his countrymen before the happy revolution, hath been nevertheless so fortunate as to obtain the government of the Massachusetts colony in New England.

"That your petitioners are certainly informed of divers unheard-of corruptions and oppressions, and unjust and partial practices of the said Dudley, on which they might ground many complaints against him; but they are so sensible of the imminent danger which threatens your majesty's subjects in this and the neighbouring colonies, through his mal administration, that they at this time beg leave humbly and singly to represent to your majesty,

"That the said Dudley hath countenanced a private trade and correspondence with your majesty's enemies, the French of Canada and the Indians which are in their interest, and furnishing them with ammunition and provisions.

"That the persons managing the said correspondence pretended a voyage to Newfoundland, and being accused of high treason by the general assembly of New England, the said governor, by his interest and power, delayed their prosecution till the ammunition he had furnished the enemy was used by them to the destruction of your majesty's good subjects, and that colony thereby put to thirty thousand pounds charge.

"That many of the best and most prudent members of the lower house of representatives being tired with his delays, and necessitated to go home and defend their plantations from the enemy, he prevailed with those that remained, who were scarce a number to make a house, that the accusation against his agents should be changed from treason to misdemeanor; and they being convicted, he laboured to mitigate their fines; all which was so apparent to the people of New England, that they threatened to pull down his house.

"That he had the confidence, nevertheless, to apply to the general assembly for an address to your majesty in his favour: but this application was received with a general murmur and contempt, and nothing done therein. And although he hath since endeavoured to obtain your majesty's good opinion, by collecting a number of names, of persons under his command and influence, to give him a character, your petitioners, who apprehend their wifes, families and estates to be in imminent danger under such a governor, do therefore humbly pray, that said Dudley may be speedily removed, and that your majesty would be pleased to give such directions thereupon as to your

full of invectives against the governor, which was presented to the queen. Upon information of this petition, the council and house of representatives passed votes declaring their sense of the injury done the governor by the persons signing this petition or address.* Mr. Higginson, who is at the head of the petitioners, was originally of New England and educated at Harvard college; afterwards he travelled to the East Indies, and upon his return became a merchant in London, was a member of the corporation for propagating the gospel among the Indians of New England, &c. and had so good interest, that some persons

of your majesty's great wisdom shall seem meet, and your petitioners as in duty bound shall ever pray.

Nath. Higginson, William Partridge, Steph. Mason, John Cawley, Thom. Taylor, B. Wright, Richard Partridge,† Thomas Allen,‡ Joseph Bishop, Hugh Muffon, Alex. Holmes, Michael Wilson, John Burridge, Will. Wharton, John Hincks,|| Thomas Newton, John Morton, J. Wright, Francis Clark, Jno. Bulfinch.*

“ Read before the queen in council, at Kensington, the 10th of June, and ordered to be heard, at Windsor, the 28th of the same month, before her majesty in council.”
Stephen Mason was appointed one of the assistants or counsellors by the charter.

* “ Upon reading the copy of an address to her majesty against his excellency, our present governor, signed Nath. Higginson, &c. Voted, that we firmly believe and are of opinion, that the allegations therein, of the governor's trading or allowing a trade with her majesty's enemies the French and Indians in their interest, is a scandalous and wicked accusation; the contrary being always apparent to all her majesty's good subjects under his government, more especially to this board, and in particular to the general officers attending his excellency, as the secretary and commissary general; his negotiations and letters with the agents or messengers from the French governor or commanders of the neighbourhood being, from time to time, laid before the council and the assembly when they have been sitting, and are sensible of his indefatigable care and protection of his majesty's good subjects. Passed unanimously.” *Council records.*

“ A vote passed in the house of representatives and sent up, being in the words following—Upon reading the address offered to her majesty against his excellency our present governor, signed Nath. Higginson, &c. Voted, that we firmly believe and are of opinion, that the allegations therein, of the governor's trading or allowing Vetch, Dorland and Lawson to trade with her majesty's enemies the French and the Indians, in their interest, is a scandalous and wicked accusation.” *Idem.*

The vote of council was unanimous; but Samuel Sewall, long known by his title, judge Sewall, being in intimate friendship with some, who at that time had a very bad opinion of the governor, was either influenced by them and persuaded he had gone too far in giving his assent to this vote, or for some other reasons, was so dissatisfied with his conduct, that he could not be easy without declaring his dissatisfaction and protesting or remonstrating against his own conduct. The original paper which he sent to one of those friends is still preserved.

“ *Tuesday, November 23, 1707.*

“ The reasons of my withdrawing my vote from what was passed in council, upon Saturday, November the first, relating to an address offered to her majesty, signed Nath. Higginson, &c.

“ Because

* Late lieutenant governor of N. Hampshire. † Son to lieutenant governor Partridge.

‡ Son, it is supposed, to governor Allen of N. Hampshire.

|| Formerly a N. Hampshire counsellor.

of note by their letters signified that they thought the two houses impolitic in the severity of their expressions, which, from being their friend, might at least cause him to become cool and indifferent.

Besides this petition, a pamphlet from New England appeared about the same time in London, charging the governor with treasonable correspondence, and it was expected that his enemies would prevail. Mr. Povey wrote to him from London, that he must prepare to receive the news of being supereded ;* but he was so fortunate, as either to convince the queen and her ministers of his innocence, or by some other means to lay the storm which had been raised against him. The charge of supplying the enemy with ammunition is incredible. Those persons who were convicted, had he been an accomplice, would have discovered him. He left them to suffer such punishment as the court thought proper to inflict. There was no certainty that the acts would be repealed, and after they were repealed some remained long in prison ; Rowse lay there eighteen months, unable to find security. The whole that appeared upon the trial, was an invoice of 100m. of nails, which, at the request

" Because my motion, for leaving the consideration of it till the Monday following, was not admitted, and it was entered upon and passed about noon, in a very short time, being a matter of great concernment to our liege lady queen Anne, to the province, to his excellency our governor, and to the council and representatives. The governor's personal interest was much in it, and therefore, I humbly conceive, the vote ought to have been debated and framed by the members of council, apart by themselves, in the absence of the governor.

" The words *firmly believe*, and *always apparent*, were never pleasing to me ; and now I do not firmly believe that the governor did no way allow Mr. Borland and Capt. Vetch their trading voyage to her majesty's enemies the French. *Qui non vetat peccare, cum possit, jubet.* Not that I suspect the governor designed to hurt the province, but to gratify *grateful* merchants. And I readily and thankfully acknowledge the governor's orders, for the defence of the frontiers, to be truly excellent, both respecting the suitableness of the orders themselves and the quickness of their dispatch ; and I bless God for the success that has attended them.

" I have been acquainted with Mr. Nath. Higginson these forty years, and I cannot judge the offering this address to her majesty to be, in him, a scandalous and wicked accusation, until I know his inducements ; and I fear this censure may be of ill consequence to the province in time to come, by discouraging persons of worth and probity to venture in appearing for them, though the necessity should be never so great.

Samuel Sewall."

* Sir William Asturft writes—" *London, May 10, 1707.* As to Mr. Dudley, though he may meet with some with you that will sacrifice their country and consciences to his interest, I can assure you he will not meet with any such here. I doubt not but in a little time he will be succeeded by a more worthy person, and the country freed from his oppressions."

quest of the governor of Port-royal, Mr. Dudley allowed to be shipped. This was foundation enough, though in no degree criminal, to give rise to all the calumny. It is not improbable, from the remonstrance of Mr. Sewall, who was a person of great integrity, that connivance might be shewn of some supplies of merchandize, and that this indulgence might be abused to the supply of powder, shot, &c. contrary to the governor's mind. It was the general opinion, that, without these supplies, the French could not have proceeded in their expedition against Newfoundland, where the harbours this year were much spoiled, and great loss and damage were sustained, not by the Europeans only, but by the New Englanders, who had then large commerce there.*

That I might finish what relates to this prosecution, which was a subject of conversation for many years after, I have been led a year or two forward. I meet with no remarkable devastations by the enemy in 1705, but, in April, 1706, they renewed their inroads and murdered eight or ten people in one house at Oyster river. There was a garrison house near, where the women of the neighbourhood had retreated, their husbands being abroad at their labour, or absent upon other occasions. This house being attacked, the women put on their husbands' hats and jackets, and let their hair loose, to make the appearance of men ; and firing briskly from the flankarts, saved the house and caused the enemy to retreat.

Colonel Schuyler gave intelligence of two hundred and seventy men having marched from the frontiers of Canada,

* There were some who supposed this affair to be brought, by the governor's influence, before the general court, to prevent its being carried into the common law courts, where the trial would have been public, and where he could not have set limits to the inquiry. If this was the case, it shews that he was no contemptible politician, for they who were the most disaffected to him in the general court were the most zealous for taking cognizance of it.

"The whole affair of those grateful merchants will by degrees be brought to light, yea, it is already so, and the communications between Roxbury and the prifon are discovered, will be published on the house-top, and some fear it will be found *minor fuit ipsa infamia viro*. A trial of that nature by the general assembly is a thing which you had always decried with the greatest abhorrence ; yet you permitted it, yet you promoted it, yet you *managed* it when a personal advantage might come out of it. The people were ensnared, the country endangered." C. Mather's letter to Dudley, Jan. 20, 1707.

A small sum (600l.) was collected in the churches this year and sent for the relief of such of the poor inhabitants of St. Christophers as had been distressed by the enemy.

da, which was an alarm to all the frontiers of New England ; for it was uncertain upon which part they would fall. They made their first appearance upon Merrimack river, about Dunstable, surprised and burned a garrison house there, in which twenty soldiers were posted, and did other mischief. Five of their Indians, probably from the same party, ventured down as far as Reading, about fifteen or eighteen miles from Boston, surprised a poor woman, who had eight children with her in a lone cottage, killed the woman and three of the children, and carried away the rest ; but the distant inhabitants were alarmed time enough to overtake them in their retreat, and recovered three of the children. Chelmsford, Sudbury, Groton, Exeter, Dover and other plantations had more or less of their people killed or taken ; some of the latter they murdered before they could reach Canada, others very narrowly escaping. A poor woman, Rebekah Taylor, after the misery of a long travel to St. Lawrence river, near to Montreal, having offended her Indian master, he took off his belt and fastened one end of it round her neck and threw the other over the limb of a tree ; but the weight of her body broke the limb. He was making a second attempt, when the noted Bomazeen came by and rescued her. In their march, their hunting failing, they were kindling a fire to roast a child of one Hannah Parsons, when a strange dog, falling in their way, supplied the child's place. A Groton soldier, Samuel Butterfield, defended himself bravely and killed one of their chiefs. This occasioned a dispute about the kind of punishment, some being for burning alive, others for whipping to death. It was left to the dead man's widow to determine it. She told them, that, if killing the prisoner would bring her husband to life, she cared not what kind of death he suffered, but if not, she desired to have him for a slave ; and her request was granted.

It appears by the French accounts, that the Indians themselves were tired with the war, and with great difficulty were prevailed upon to continue it. To encourage them, a noted chief, dreaded by the English upon the frontiers from the report of his cruelties, Nescambouit, was

was about this time sent by M. Vaudreuil to France, to receive his reward from the king himself. Upon his appearance at court, he held out his arm, and bragged, that with that arm he had slain one hundred and fifty of his majesty's enemies. The king was so much pleased, that, as was then reported, he knighted him and settled a pension of eight livres per day for life.

Charlevoix attributes the distress of the New Englanders to their refusal of a neutrality : “ The Abenakis continued to lay New-England desolate ; Mr. Dudley either being unwilling or afraid to accept the neutrality which had been proposed for that province. He was much affected with the cries of the inhabitants, who were no longer able to improve their lands, which were continually ravaged by the Indians, and he thought the only way to put an end to this distress was to extirpate the French from Acadie.”

Dudley depended upon the French being extirpated from Canada as well as Acadie, otherwise he would have been glad of a neutrality, if he could have had the queen's leave to agree to it. It was known, that an armament was intended this year from England against the French, either in Canada or Acadie, or both. Troops were actually destined for this service, and general Maccartney was to have commanded ; but the battle of Almanza, in Spain, made such an alteration in affairs, that the troops could not be spared, and the expedition was laid aside. Massachusetts would have been ready with the forces expected from them ; and it was determined early in the spring, that such a number of men should be raised as might be sufficient for the reduction of Acadie, although no assistance came from England. At least the other parts of Nova Scotia might be ravaged ; but for Port-royal, it was doubted whether it could be subdued : however, the fortress there was “ to be insulted, if by a council of war upon the place it should be found practicable.”

One thousand men it was resolved should be raised in Massachusetts, and proposals were made to New Hampshire, Connecticut and Rhode Island to join. Connecticut declined. The other two governments assisted, and

Mr.

Mr. Dudley, in his speech to the assembly, acknowledges that he had received a very honourable assistance from Rhode Island, and a proper force from New Hampshire. The naval force was barely sufficient for convoy, there being only the Deptford man-of-war, captain Stukeley, and the province galley, captain Southack. The command of the land forces was given to colonel March, who had behaved well at Casco fort, and upon some other occasions ; but had never been tried in any service where other talents, besides mere natural bravery, were necessary. The fleet sailed from Boston the 13th of May, and arrived the 26th at Port-royal. March immediately landed, with seven hundred men, on the harbour side ;* colonel Appleton, with three hundred men, landing on the other side. The next day, as March with his men were advancing towards the fort, they discovered about two hundred of the enemy, with Subercas, the governor, at their head, near the top of a hill. A short skirmish† ensued, and Subercas had his horse killed under him ; but the numbers being very unequal, the French soon retreated, leaving two of their number killed, and having wounded three of the English. On the 29th, Appleton and his three hundred men were attacked by a body of Indians, joined by about sixty Canadians who had arrived just before to man a privateer which lay in the harbour. They killed two of the English, and then retreated. All the inhabitants forsook their houses and retired to the fort, which was well garrisoned. They made a continual fire, with cannon and mortars, upon the English camp ; but wanted skilful engineers ; very few of their shells falling so as to be any annoyance. The Indians, upon every quarter skulking about, shot down every man who ventured without the camp. It is evident that our forces were very diffident of success, from their first landing ; and the army would in a great measure have saved their reputation, if, in conformity to the vote of the court for engaging in the expedition, they had at a council of war

determined

* Charlevoix says, they had twenty-four vessels, the largest of fifty guns ; and that they landed fifteen hundred men on the side where the fort was, and five hundred on the other side.

† Un combat vif. *Charlevoix.*

determined not to attack the fort, and proceeded to ravage the country. Some intelligence, which they had received of the disposition of great part of the garrison to revolt, seems to have encouraged them more than any hopes they had of being able to reduce the place by a regular siege or sudden attack. The 13th of May, at a council of war, it was agreed, "that the enemy's well disciplined garrison in a strong fort, was more than a match for our raw, undisciplined army." They opened their trenches, notwithstanding, and in three or four days they had made some breaches, and determined upon a general assault ; but, advancing towards the fort and finding no deserters come over, they altered their minds, and the 6th or 7th of June the whole army were re-embarked. Colonel Redknap, the engineer, and colonel Appleton went to Boston for further orders ; the rest of the army to Casco-Bay.* A great clamour was raised at Boston against March and Wainwright, and letters were sent them from thence, some anonymous, vilifying them as cowards and deserving the gallows. They charged Appleton with being the first for decamping, but own it would have been to no good purpose to have remained, as there was no prospect of carrying the fort. Captain Stukeley, of the Deptford, gave an account of the strength of the place, and added that he hoped the *fighting men* at Boston, who had wrote so many scurrilous, vilifying letters, without names, would be satisfied that regular, well fortified and well defended forts are not to be taken by raw men ; and he was very certain, that fifteen hundred of the best of them would come back again as the army had done.

Mr. Dudley, notwithstanding the diffidence expressed, thought of nothing short of the reduction of Port-royal from the beginning ; and after so great expense in raising such an armed force, and so little diminution of it, he was

loath

* "The ignorance, idleness and slothfulness of some of our officers, make things go on not so smooth as desired, and by the disobedience of private soldiers we lost two men this day in our very sight, scalped and mangled by the Indians. These and some other difficulties caused the result of a council of war, this day assembled, which I herewith send. The commander in chief will make a general ravage of the country and sea coast, which will be all we shall do at this time." *William Dudley to governor Dudley, 31st May, 1707.*

loath to give over the design, and sent immediate orders for the forces to remain where they were, whilst he considered of further measures. March was beloved by the soldiers; besides, his courage was not suspected, although his capacity for a general was called in question. It was not, therefore, thought proper to recal him; to appoint a general officer over him would be as exceptionable. An expedient was pitched upon, suggested perhaps by the practice of the Dutch. Three gentlemen of the council were to be sent to the army, with as full powers to superintend and direct the proceedings as the governor himself would have had if present in person. Colonel Hutchinson, colonel Townsend and Mr. Leverett were pitched upon for this purpose. They embarked the middle of July in captain Gerrish, with about one hundred recruits and several deserters, who had left the army at Casco.* Upon their arrival they found parties formed; among officers and men no subordination; a coldness in the officers, and an aversion in the privates to a return to the ground they had left. But, it seems, the governor had made a point of it, that at all events the army should go back.†

I find a round robin among colonel Hutchinson's papers, signed by a great number, peremptorily refusing to go to Port-royal; but the ringleaders being discovered and secured, whilst their sentence was under consideration, the rest humbled themselves and submitted, and the ships of war and transports sailed. They stopped at Passim aquadi about the 7th of August. March's spirits were broke and his health affected, so that when the disposition was making for landing the army, he declared himself incapable of acting, and the command was given to Wainwright,

* They were not chosen by the assembly; but to keep the power, as far as he could, in his own hands, and at the same time obtain a grant for or acquiescence in the expence, the governor, in this and other instances, pitched upon such persons as he knew would be acceptable. Hutchinson and Townsend were popular men, and Leverett had been speaker of the house.

† We have so little prospect of any service from the marine, after we have taken the ground, that, for the keeping it, we must have dependence upon our other force, being only seven hundred and forty-three officers and soldiers, sick and well; and they are so extremely dispirited, that we cannot look upon them equal to three hundred effective men. However, we have your excellency's commands, which we yield an absolute obedience to, and shall proceed."

Colonel Hutchinson's letter to governor Dudley, Casco, 26th July, 1707.

wright, the next officer. The 10th of August they crossed over to Port-royal where they landed, but on the opposite side to the fort, and in every respect in a much worse condition than before. The nights were growing cold, the men sickening, and the army in general incapable of sustaining the fatigues of a siege. Wainwright's letter to the commissioners, August 14, shews the state they were in : " Our not recovering the intended ground on the opposite side is a mighty advantage to the enemy, in that they have opportunity, and are improving it, for casting up trenches in the very place where we designed to land and draw up our small forces. Yesterday the French, about eight of the clock forenoon, on the fort point, with a small party of St. John's Indians, began to fire on our river guards and so continued until about three afternoon : then appeared about one hundred Indians and French upon the same ground, who kept continually firing at us until dark. Several were shot through their clothes, and one Indian through the thigh. About four in the afternoon, I suffered a number of men, about forty or fifty, to go down to the bank of the river, to cut thatch to cover their tents. All returned well, except nine of captain Dimmock's men, who were led away by one Mansfield, a mad fellow, to the next plantation to get cabbages in a garden, without the leave and against the will of his officer. They were no sooner at their plunder, but they were surrounded by at least one hundred French and Indians, who in a few minutes killed every one of them, their bodies being mangled in a frightful manner. Our people buried them, and fired twice upon the enemy ; on which they were seen to run towards our out-guards next the woods, which we immediately strengthened. Indeed the French have reduced us to the same state to which we reduced them, at our last being at Port-royal ; surrounded with enemies, and judging it unsafe to proceed on any service without a company of at least one hundred men. I shall now give you a short account of the state of our people, truly, as delivered me by doctor Ellis. There is a considerable number of them visited with violent fluxes, and although we have things proper to give them, yet dare

dare not do it ; others taken with mighty swellings in their throats ; others filled with terror at the consideration of a fatal event of the expedition, concluding that in a short time there will not be well enough to carry off the sick.

“ I am distressed to know which way to keep the Indians steady to the service. They protest they will draw off, whatever becomes of them. It is truly astonishing to behold the miserable posture and temper that most of the army are in, besides the smallness of our number, to be attacked by the enemy, which we expect every moment.

“ I am much disordered in my health by a great cold. I shall not use it as an argument to be drawn off myself, but, as you are masters of the affair, lay before you the true state of the army, which indeed is very deplorable. I should much rejoice to see some of you here, that you might be proper judges of it.

“ If we had the transports with us, it would be impossible, without a miracle, to recover the ground on the other side, and I believe the French have additional strength every day. In fine, most of the forces are in a distressed state, some in body and some in mind, and the longer they are kept here on the cold ground the longer it will grow upon them, and, I fear, the further we proceed the worse the event. God help us.”

Captain Stukeley had given encouragement, that he would lead on an hundred of his own men ; but the bad state of affairs caused him to change his mind, and he had drawn them off before the date of this letter.

The army continued ashore until the 20th, when they re-embarked. The enemy then attacked them. Our accounts say, that we killed and wounded many of the enemy, and finally put them to flight. The French say, that both retreated by turns. Each seem to have been glad to be rid of the other. About sixteen were killed in the whole expedition, and as many wounded. The French, finding so few dead bodies, supposed we threw them into the sea.

When the forces returned, Mr. Dudley put the best face upon their ill success. In his speech to the assembly

he says, "Though we have not obtained all that we desired against the enemy, yet we are to acknowledge the favour of God in preserving our forces in the expedition, and prospering them so far as the destruction of the French settlements and estates, in and about Port-royal, to a great value; which must needs distress the enemy to a very great degree."

A court-martial was judged necessary, and ordered, but never met. The act of the province for constituting courts martial made so many officers requisite, that it was found impracticable to hold one.* This must be owing to the great number of persons charged, the remainder being insufficient to try them.

Whilst the forces were employed against the French, the Indians kept harassing our frontiers. Oyster river, Exeter, Kingston and Dover in New Hampshire government, and Berwick, York, Wells, Winter harbour, Casco, and even the inland town of Marlborough, in Massachusetts, sustained loss. The winter following passed without molestation.† Early in the spring, Mr. Littlefield, the lieutenant of Wells, travelling to York, was taken and carried to Canada. For several months after, the enemy seemed to have forsaken the frontiers. It afterwards appeared that they were collecting their forces in Canada for some important stroke.

Schuyler had such influence over the French Mohawks, who kept a constant trade with Albany, that they inclined to a more general peace with the English than merely those of New York. The French discovered their indifference, and, to keep them engaged, a grand council was called at Montreal the beginning of this year, and an expedition was agreed upon, in which were to be employed the principal Indians of every tribe in Canada, the Abenakis Indians, and one hundred select French Canadians, and a number of volunteers, several of whom were officers in the French troops. They were to make in the whole four hundred men.

De

* Governor's speech.

† November 27, 1707, died John Winthrop, esquire, governor of Connecticut, and was buried at Boston, December 4th. The bones of John Winthrop, the first governor of Massachusetts, his son and grandson, two governors of Connecticut, rest in the same tomb in the first or oldest burying ground.

De Chaillons, and Hertel de Rouville (he who sacked Deerfield) commanded the French, and La Perriere the Indians. To give the less alarm to the English, the French party; with the Algonquin and St. Francois and Huron Indians, marched by the way of the river St. Francois: La Perriere and the French Mohawks went by lake Champlain: they were to rendezvous at lake Nikisipique, and there the Norridgewock, Penobscot and other eastern Indians were to join them. They all began their march the 16th of July, but the Hurons gave out and returned before they arrived at St. Francois river. One of them had killed his companion by accident, which they thought an ill omen, and that the expedition would prove unfortunate. The Mohawks also pretended, that some of their number were taken sick of an infectious distemper, which would be communicated to the rest, and they returned. Vaudreuil, when he heard these accounts, sent orders to his French officers, that, although the Algonquin and St. Francois Indians should leave them also, yet they should go on, and fall upon some of our scattered settlements. When the Indians are tired of murdering poor helpless women and children, Vaudreuil employs his French officers to do it. Those Indians, however, did not leave them, and, being about two hundred in all, they marched between four and five hundred miles through the woods to Nikipisque, where they found none of the eastern Indians. This was a happy disappointment for the English. Had the whole proposed number rendezvoused there, Newbury, or perhaps Portsmouth, might have been surprised and destroyed; but the army being thus reduced, Haverhill, a small but compact village was pitched upon. Intelligence had been carried to Boston that an army of eight hundred men was intended for some part of the frontiers, but it was uncertain which. Guards were sent to Haverhill as well as other places; but they were posted in the most exposed parts of the town, and the enemy avoided them or passed undiscovered, and the 29th of August, about break of day, surprised the body of the town adjoining to Merrimack river, where were twenty or thirty houses together, several of which they burned, and attempted to

burn

burn the meeting-house, but failed. The rest of the houses they ransacked and plundered. Mr. Rolfe, the minister, Wainwright, the captain of the town, and thirty or forty more, the French say above one hundred, were killed, and many taken prisoners. Mr. Rolfe's maid jumped out of bed upon the alarm, and ran with his two daughters of six or eight years old into the cellar, and covered them with two large tubs, which the Indians neglected to turn over, and they were both preserved.* Three very good officers were at that time in the town, major Turner,† captain Price, and captain Gardner, all of Salem, but most of their men were posted at a distance, and before any sufficient number could be collected the mischief was done. The enemy, however, was pursued, overtaken and attacked just as they were entering the woods. The French reported when they got back that they faced about, and that our people, being astonished, were all killed or taken, except ten or twelve, who escaped. The truth is, that there was a brush which lasted about an hour, and that the enemy then took to the woods, except nine who were left dead, among whom was Rouville's brother, and another officer. Many of the prisoners were also recovered. The governor, in his speech to the assembly, says, "We might have done more against them if we had followed their tracks."

The return of the French Mohawks might be owing to Schuyler's negociations with them, which, it may be said, he would have had no opportunity for, if it had not been for the neutrality between them and Albany; but, on the other hand, not only those Indians, at other times, but even the Penobscots and Norridgewocks were enabled, by this neutrality, to make their inroads upon us. The governor of Port-royal, in a letter to the count de Pontchartrain, says, "That the Michmacks were quite naked, and the Kennebeckans† and Penobscots would have been so too, if they had not carried on a trade with the Indians of Hudson's river, or rather, by their means, with the English,

* One was afterwards wife to the late colonel Hatch, of Dorchester, and is lately deceased; the other still living, the wife of the Rev. Mr. Checkley, sen. of Boston.

† Afterwards colonel Turner, a principal merchant of Salem, and many years a member of the council.

‡ Norridgewocks.

glish, who allowed a crown a pound for beaver, and sold their goods very reasonably." Charlevoix justly remarks upon it, " Thus our own enemies relieved our most faithful allies when they were in necessity, and whilst they were every day hazarding their lives in our service." The Massachusetts general court also, this year, in an address to the queen, say, " A letter from M. Vaudreuil, governor of Canada, to the late governor of Port-royal, was sometime since happily intercepted, and came to our governor's hands ; wherein he writes thus, namely, that he endeavours to keep all quiet on the side of Orange or Albany, having command from the king his master not to have any quarrel with your majesty's subjects on that side, or with the Mohawks, which he hath strictly observed. And they are in a profound peace, having met with little or no los on the land side, either in men or estates, this war."

The enemy were satisfied with their success at Haverhill for this season, and, except now and then a straggling Indian, none of them appeared again upon the frontiers this summer.

The party against the governor still pursued their schemes in England for his removal. Ashurst engaged a committee of the kirk of Scotland, who came up to London to settle some affairs with the queen's council, to use their interest that Dudley might be removed and a new governor appointed ; and he was very sanguine that this would do the business, and that Hobby would be appointed, though not such a person as he could wish ; but *the earth, he says, must help the woman* : which too often means no more than *we must do evil that good may come of it*. In the province, the governor's interest was strengthening. Some of the old senators, who had been disaffected to him, were left out of the council. Oakes, whom he had negatived as speaker, and one other member for Boston, lost their election, and John Clark and Thomas Hutchinson, two young gentlemen of the town, who were under no prejudice against him, came into the house in their stead ; and although this year Mr. Cooke was again chosen one of the council, it was the last effort.

the

The governor persisted in negativing him, and at the same time negatived Nathaniel Paine, of Bristol ; but he had so accustomed them to negatives, that they gave less offence than they would have done after long disuse.

The principal subject of the assembly's address, which we have just before mentioned, to the queen, was the reduction of Canada and Acadie by an armament from England, to be assisted by forces raised in the colonies. Vetch, who the last year was charged as a traitor, this year appeared before the queen and her ministers soliciting in behalf of the colonies ; being able to give a full information of the condition of the French in America.*

Early in the spring, Mr. Dudley was advised, by letters from the earl of Sunderland, that the queen had determined upon an expedition, and Vetch, made a colonel, came over with instructions to make the necessary preparations. The plan was extensive. The French were to be subdued, not only in Canada and Acadie, but in Newfoundland also. A squadron of ships were to be at Boston by the middle of May. Five regiments of regular troops were to be sent from England, to be joined by twelve hundred men, to be raised in Massachusetts and Rhode Island, and the governments were to provide transports, flat-bottomed boats, pilots, and three months' provisions for their own troops. With this force, Quebec was to be attacked ; at the same time fifteen hundred men, proposed to be raised in the governments south of Rhode Island, which were to march by the way of the lake, were to attack Montreal. The men assigned to Massachusetts to raise were ready by the 20th of May ;† and Vetch gave a certificate under his hand, that all the governments

* August 21st, this year, died Ezekiel Cheever, venerable not merely for his great age, 94, but for having been the schoolmaster of most of the principal gentlemen in Boston who were then upon the stage. He is not the only master who kept his lamp longer lighted than otherwise it would have been, by a supply of oil from his scholars.

John Higginson, the first minister of Salem, who came over with his father in 1629 at the age of fourteen or fifteen, lived until the 9th of December, 1708, having also been minister of the same church from the year 1660. His early days he spent in Connecticut colony, and in 1641 was chaplain to Mr. Fenwick and lady Boteler, at the fort at Saybrook.

Tuesday the 14th of December was remarked as the coldest day ever known in the country from its first settlement.

† The transports and nine hundred troops, raised by Massachusetts, were kept in pay from the 20th of May to the beginning of November.

ernments concerned had cheerfully and punctually complied with the orders given, except Pennsylvania !* It was left to lord Lovelace, governor of New York, to appoint the general officer † for the fifteen hundred men, but by his death the power devolved upon Mr. Ingoldsby, the lieutenant governor ; and Nicholson, who had been lieutenant governor of New York under Andros, and afterwards lieutenant governor of Virginia and Maryland, being then in America, was pitched upon as a proper person, and marched with the forces under his command as far as Wood-creek, there to wait until the arrival of the fleet at Boston, that the attack on both places might be made at one time. The transports and troops lay waiting at Boston from May to September, every day expecting the fleet. No intelligence coming from England, Vetch being sensible it was too late to go to Canada, proposed a meeting, at New London, of the governors of the several colonies, to consider in what other way the forces raised should be employed against the enemy, that the expense might not be wholly lost ; but Nicholson unexpectedly returned with his men from Wood-creek, and he and Vetch and colonel Moody met some of the governors at Rhode Island. Two or three days before the Congress, (October 11th) a ship arrived at Boston from England, with advice that the forces intended for America were ordered to Portugal, and with directions to consult whether the forces raised in America might not be employed against Port-royal, the ships of war of which there were several then at Boston to be aiding and assisting.‡ There was no great honour or profit to be expected by the captains of the men-of-war, if the expedition should succeed, nothing more being required of them than to serve as convoy to the transports, and cover to the forces at their landing ; therefore two of the frigates, whose station was New York, sailed immediately

from

* Pennsylvania, at that time, principally consisted of the people called Quakers, and we are to impute their backwardness to a religious principle or persuasion, and not to disaffection.

[† The other governors had a voice, and concurred in his appointment.]

‡ It is said in one of the articles of lord Oxford's impeachment, that an expedition against Canada, having been frequently deliberated upon and maturely considered in a committee of council, was laid aside as dangerous and impracticable ; but there can be no doubt that an expedition was fully determined upon this year, and was laid aside upon an unexpected change of affairs in Europe.

from Boston without taking leave of any body, and the commanders of the rest, Mathews (afterwards admiral Mathews, who was then commander of the station ship at Boston) only excepted, peremptorily refused. As soon as this was known to the two houses, the court being sitting, they desired the governor to discharge the transports and disband the men, it not being safe to proceed without convoy. This was a heavy charge upon the province, without any good effect. It was indeed late in the year for the attempt against Port-royal, but then the prospect of surprising the enemy was so much the greater, and if it had happened otherwise and the forces had returned without subduing the place, it would have caused but little increase of the expense.

Whilst Nicholson lay at Wood-creek, the governor of Canada, who had intelligence of all his motions, sent out an army of fifteen hundred French and Indians, who left Montreal the 28th of July, N. S. and the three first days advanced forty leagues towards the English camp ; but upon a report that they were five thousand strong, and upon the march to meet the French, and there being discord at the same time among the French officers, it was thought best to return to their advanced posts, and wait to receive the English there. Had they proceeded, they were equal to the English, better acquainted with the country, would have come unexpected, and the event would at least have been doubtful for us.

Charlevoix gives an instance of the treachery of the Indians of the Six Nations, and of their intention to destroy the whole English army. Speaking of father Marreuil, who had been a prisoner at Albany, he says ;— “ This missionary having been exchanged for a nephew of the principal officer at Albany, we learned from him all the circumstances of that affair, and to what New France owed her deliverance from the greatest danger to which she had been at any time exposed from that quarter.” Then having mentioned a grand council of the Indians, held at Onondago, where all their general meetings upon important matters were held, he goes on ; “ The Onondago, one of the old men of that nation, who was

the

the speaker, asked whether it was out of their minds that they were situated between two potent people, either of which were capable of totally extirpating them ; and that it would be the interest of either to do it, as soon as they should have no further occasion for them. It behoved them therefore to be very careful that they did not lose their importance, which they would do, unless each of those people were prevented from destroying the other. This harangue made great impression upon the assembly, and it was resolved, upon this occasion, to continue the political conduct which they had hitherto observed. Accordingly, the Iroquois, when they had joined the English army, and found, as they imagined, that it would be strong enough to take Montreal, employed their whole attention in contriving the destruction of it ; and this was the way they went to work—The army being encamped upon the banks of a small river,* the Indians, who spent most of their time in hunting, threw the skins of all the creatures which they fled into the river a little above the camp, which soon corrupted the water. The English never suspected this treachery and continued to drink the water ; but it caused such a mortality among them, that father de Mareuil and the two officers who went to fetch him from Albany to Canada, judged by the graves that there must have been at least a thousand buried there."

Nicholson certainly decamped sooner than was expected, which caused some dissatisfaction. The army was in a bad state. I have a letter dated New York, November 4th, 1709, which says, that many of the soldiers who were at the lake died as if they had been poisoned.

Although the French were in constant expectation of being attacked themselves, yet it did not take them off from employing some of their strength this summer against the New England frontiers. In April, a man was taken prisoner at Deerfield. In May, several men were surprised and taken as they were passing to a saw mill in Exeter ; and in June, one of the Rouvilles, with one hundred and eighty French and Indians, made another attempt upon Deerfield, to destroy or carry away prisoners

* Wood-creek.

ers the poor people, who but a little while before had returned from their captivity; but the enemy was discovered at a distance and beat off, the inhabitants bravely defending themselves. The town of Brookfield, in the west, and Wells, in the east, soon after lost some of their people by small parties of Indians.*

Nicholson went to England in the fall, to solicit a force against Canada the next year, and an expedition seems to have been again resolved upon. Advice was received in New England, that in July lord Shannon, with a fleet destined for that service, lay under orders for sailing, but that it was feared the westerly winds would detain him until it was too late. Port-royal, which did not require so great force, and which might be attempted late in the year, was afterwards made the only object. The Dragon and Falmouth, with a bomb-ship and a tender, and two or three transports, left England in the spring, and Nicholson was on board one of them. They arrived at Boston, July the 15th, and seem to have lain waiting there for orders, or until it should be made certain whether they were to be joined by any further force from England.† On the 18th of September a fleet sailed from Nantasket for Port-royal, consisting of three fourth rates, viz. the Dragon, commodore Martin; the Chester,‡ Matthews; the Falmouth, Riddle; two fifth rates, the Loe-staffe, Gordon, and the Faversham, Paston, together with the Star bomb, Rochfort, and the Province-galley, Southack, with fourteen transports in the pay of Massachusetts, five of Connecticut, two of New Hampshire and three of Rhode Island. These, with the tender and transports from

England,

* Feb. 24th, 1709, Joseph Hammond, of the council, died at Kittery.

† These ships being seen in the bay, and no certainty of any fleet intended from England, the usual signal for an alarm was given at the Castle, and the militia in Boston was kept under arms until evening, when news came that they were English ships.

The like happened upon the arrival of a fleet of small merchant vessels from Saltertudas a year or two after, but the consternation was greater and more extensive. The number of ships seen off Plymouth was reported to be very great, and some of them, it being war time, were fitted with mizen-top-gallantsails and spreetsail-top-sails, and other unusual sails for merchant-men, and no doubt was made of their being capital French men-of-war. The country were coming in, when one of the small vessels arrived and informed of the rest.

‡ The Chester sailed a short time before the rest as a cruiser, and joined them on the passage.

England, made thirty-six sail. There was a regiment of marines, commanded by colonel Redding, and four regiments raised in New England, two commanded by sir Charles Hobby and colonel Tailer of Massachusetts, one by colonel Whiting of Connecticut, and one by colonel Walton of New Hampshire. Nicholson was general and Vetch adjutant general. One transport, captain Taye, ran ashore at the mouth of the river and was lost, and twenty-six men were drowned ; the rest of the fleet arrived safe at Port-royal the 24th of September. The forces were landed without any opposition. Subercase, the governor, had only two hundred and sixty men, and most of them he was afraid to trust out of the fort, lest they should desert to the English. As the army was marching up to the fort, several men were killed by the inhabitants, who fired from their houses and from behind their fences, and made their escape ; and for three or four days, whilst the necessary preparations were making by the English, the French threw shells and shot from the fort, and the bomb-ship, on the other hand, plied the French with her shells. It was commonly said, after the return of the forces to Boston, that early intimation was given to the English that they would meet with no great difficulty, a decent pretence for a surrender was all that was desired. On the 29th, the governor sent out a flag of truce, praying leave for some of his ladies, who were afraid of the bombs, to be sheltered in the English camp. The officer, not observing the rules of war, was put under arrest, and an English officer sent to the fort to acquaint the governor with the reasons of it. The first of October, the two engineers, Forbes and Redknap, had three batteries open, two mortars and twenty-four cohorn mortars ready, within one hundred yards of the fort, and began their firing, the French firing their shot, and throwing shells at the same time. The same day, colonel Tailer and captain Abercrombie were sent, with a summons to surrender, and in consequence thereof a cessation of arms was agreed upon, and the terms of the capitulation were soon settled, and the next day the following articles signed.

“ Articles

“ Articles of capitulation agreed upon for the surrender of the fort at Port-royal, &c. betwixt Francis Nicholson, esquire, general and commander in chief of all the forces of her sacred majesty Anne, queen of Great Britain, &c. and monsieur Subercase, governor, &c. for his most Christian majesty.

1. THAT the garrison shall march out with their arms and baggage, drums beating and colours flying.
2. That there shall be a sufficient number of ships and provisions to transport the said garrison to Rochel or Rochfort, by the shortest passage, when they shall be furnished with passports for their return.
3. That I may take out six guns and two mortars, such as I shall think fit.
4. That the officers shall carry out all their effects, of what sort soever, except they do agree to the selling them; the payment of which to be upon good faith.
5. That the inhabitants, within cannon-shot of Port-royal, shall remain upon their estates, with their corn, cattle and furniture during two years, in case they are not desirous to go before, they taking the oaths of allegiance and fidelity to her sacred majesty of Great Britain.
6. That a vessel be provided for the privateers belonging to the islands in America, for their transportation thither.
7. That those who are desirous to go for Placentia in Newfoundland, shall have leave by the nearest passage.
8. That the Canadians, or those that are desirous to go there, may, for during the space of one year.
9. That effects, ornaments and utensils of the chapel and hospital shall be deliverd to the almoner.
10. I promise to deliver the fort of Port-royal into the hands of Francis Nicholson, esquire, for the queen of Great Britain, within three days after the ratification of this present treaty, with all the effects belonging to the king, as guns, mortars, bombs, ball, powder and all other small arms.
11. I will discover, upon my faith, all the mines, fuges and casemates.
12. All the articles of this present treaty shall be executed upon good faith, without difficulty, and signed by each

each other at her majesty of Great Britain's camp before Port-royal fort, this second day of October, in the ninth year of her majesty's reign, Annoque Domini 1710.

Francis Nicholson.

SUBERCASE.

MEMORANDUM. The general declared, that within cannon-shot of Port-royal, in the fifth article above-said, is to be understood three English miles round the fort, to be Annapolis-royal, and the inhabitants within three miles to have the benefit of that article. Which persons, male and female, comprehended in the said article, according to a list of their names given in to the general by M. Allen, amounts to four hundred and eighty-one persons."

The English lost fourteen or fifteen men in the expedition, besides the twenty-six drowned when the transport was lost. The fort had been neglected and was in a very bad state. Subercase told the general "he was very sorry for the king, his master, in losing such a strong fort and the territories adjoining." This was the compliment to Nicholson, but it was in no condition to stand a siege. Charlevoix says, Subercase's character suffered a great shock. He mentions several actions which our accounts take no notice of—"The troops being landed, and nothing to oppose their march, went on towards the fort; but when they came within reach of the cannon, the governor caused so smart a firing as put them to a stand, killed a great many of their men, &c." Again—"The eighth, N. S. M. Subercase, having observed the spot where the enemy were about to erect their batteries, made so lucky a fire that Mr. Nicholson, after having lost a great many men, was obliged to retreat."

The general having left a sufficient garrison under the command of colonel Vetch, who was destined, in case of success, to the government of the country, returned with the fleet and army to Boston, arriving there the 26th of October.

Whilst the forces were at Port-royal, it was thought proper, at a council of war, to send Castine, whom I suppose was in the fort, and major Livingstone, to Canada, through the country, with letters to M. Vaudreuil, acquainting him that the country of Acadie was subdued, and that all the

the inhabitants, except such as were within cannon-shot of the fort, were prisoners at discretion ; and as the council had been informed that he had often sent out his barbarous Indians to murder the poor innocent women and children upon the frontiers of New England, if he continued that practice they would cause the same execution upon the people of Acadia or Nova Scotia, now absolutely in their power ;* but they abhorred such barbarities, and hoped he would give them no further occasion to copy after him, but rather would release and send home such prisoners as had been taken by the Indians. After a most fatiguing, hazardous journey,† having three Indians for their guides, they arrived at Quebec. The governor sent his answer to the message by two partisans, Rouville and Dupuis, by land through Albany, that they might be acquainted with the country and more fit to be employed in making war upon any future occasion.‡ The sum of the answer was, that Nicholson had been so well taught the laws of war as to know that they did not admit of reprisals upon such inhabitants as had surrendered upon an express promise of being well treated. That he, Vaudreuil, never knew the French charged with inhumanity, and he was not afraid to appeal to the English prisoners, within his government, against such a charge ; they had often been redeemed from the Indians at great expense,

* This would have been rather a harder case upon the poor Acadians than any they have ever been obliged to submit to.

† I have Livingstone's journal. He went about the middle of October from Port-royal to Penobscot, where he was kindly entertained by Castine, at his own house ; and from thence went up the river in canoes, until they came to an island where was a great body of Indians, men, women and children. Here an Indian, being in a rage because some English prisoners had run away with his canoe, seized Livingstone by the throat, and would have dispatched him with a hatchet, if Castine had not thrown himself between them and rescued him. The Indians would not suffer them to proceed for several days. At length, November 4th, they set out in their canoes, and the next day the canoe the major was in overset, and one of the Indian guides was drowned. Soon after, the water beginning to freeze, the ice so shattered their tender vessels and made the passing so difficult, that they were obliged to betake themselves to the land and to travel by their compass, through a country so thick with spruce, cedar and pine wood and underwood, as to be scarce passable, and the greatest part of the way broken and mountainous land. They were above a fortnight without the sight of the sun, the weather being stormy or foggy the whole time. They had spent their provisions six days before they came to any French settlement, and lived wholly upon moss, leaves and dried berries. At length, the 16th of December, they arrived at Quebec.

‡ Charlevoix.

expense, and out of pure charity. Indeed, the Indians themselves ordinarily did not treat them ill ; but let that be as it would, the French were not accountable for the behaviour of the Indians ; it was not his fault that this unfortunate war was not over a long time ago, and all the miseries which had been the consequence must be attributed to those who had refused the neutrality between the two colonies. He was very ready to agree to the exchange of prisoners, but he had not the command of those which were in the hands of his Indian allies. As for the menace, of delivering up the Acadians to the Indians of New England if the Indians of New France should refuse to deliver the English prisoners, it was contrary to all the rules of justice and humanity, and if it should be carried into execution he should be obliged to do as much to all the English he had in his power. This was all the effect of Livingstone's most fatiguing, hazardous journey.

The affair of the agency in England has often occasioned a division and contention in the general court. They who have served the province well and done every thing in their power, have not done enough. If our rights and claims do not appear in the same light to those who judge of them in England, as they do to ourselves, we are too apt to attribute it to the want of skill or fidelity in those who appear for us. At this time, a change in the agency was agreed upon from a different cause. The change of the ministry in England was as alarming to New England as to any part of her majesty's dominions. Mr. Phips was deeply engaged in the new measures. There could not then have been any apprehension of his removing to Ireland ; but a whig people would not be satisfied with a tory agent. Sir H. Ashurst never had any great powers, and he was now declining in age and health. The party that used to support him set up his brother, sir William Ashurst, a gentleman of superior character and real worth. Mr. Dudley did every thing in his power to prevent the choice, but when he could not prevail made a merit of accepting it. An address to the queen was sent to sir William, but he refused the agency ; he was well acquainted with the slights put upon his brother,

and the little or no reward given him for so long services. When he excused himself, he recommended a New England young gentleman, then in London, Jeremiah Dummer,* who also procured from the principal merchants in London, trading to New England, letters in his favour. He was not at that time acceptable to Mr. Dudley, and in a message to the assembly he advised them to choose Henry Newman,† a New England man, then in London also, a person of great probity, who had lived some years in the duke of Somerset's family, and who afterwards was secretary to the society for promoting Christian knowledge; but the choice fell upon Mr. Dummer and the governor did not think proper to negative him.

Mr. Dudley found means to remove the prejudice of sir William Ashurst. From this time, all his letters are in a different strain from what they used to be, and he represents the times to be such, that there was no prospect of a better governor, and advises the people, if they could be tolerably easy, not to run the risk of a change. This was not the only time when such a word of advice, to this, as well as other colonies, would have been seasonable. Mr. Dummer, who was attaching himself to the new ministry and had great favour shewn him, engaged also in Mr. Dudley's interest. Mr. Phips, who at first opposed him, had for some time been very friendly to him. It was a

rule

* Mr Dummer's grandfather, Richard Dummer, was an assistant the year when Mr. Vane was governor: but, being of the governor's party, was left out, with others of the same side; and lived many years after, maintaining a fair character and acquiring a good estate, at Newbury. His father was an acting justice of peace in Boston. Mr. Dummer, besides the advantage of bright natural parts, had been very well educated. The college at Cambridge fitted him for the university of Utrecht, where he spent some years, and received a doctor's degree. After that, he returned to New England: but finding no prospect of employment there that would be agreeable to him, he went to England, where he arrived a little before the change of queen Anne's ministry. Contrary to the expectation of his countrymen and constituents, he devoted himself to the persons in power, was employed by lord Bolingbroke in some secret negotiations, and had assurances of promotion to a place of honour and profit, but the death of the queen blasted all his hopes. His letter to a noble lord upon the Canada expedition, and his defence of the New England charters, will tend more to perpetuate his memory in his country, than all his services in the agency, which were far from inconsiderable. Mr. Dummer conformed to his patron, lord Bolingbroke, in religion as well as politics. In the latter, he left him, upon the change of times: in the former, he is said to have adhered to him to the end of his life. He died in 1739. The translation of the travels of James Maffey, wrote to encourage scepticism and infidelity, was dedicated to Mr. Dummer. Some, who did not know they were originally wrote in French, supposed he was the author.

† Mr. Newman was many years agent for the province of New Hampshire.

rule with him to gain his enemies, he was sure of his friends. It requires much of that art and skill, of which he is said to have been master, to render this rule, for any length of time, successful. He happened also, as we have observed, when he was in England to be known to and favoured by Mr. Harley, and his interest there was so established, that he was no longer in danger, until the death of the queen caused an entire revolution, both as to men and measures. In the province, some reports against him were of so gross and criminal a nature, that although they might find some ready to believe them at first, yet time alone had sunk the credit of them, and the remembrance of lesser matters sunk with it, and the last days of his administration were his best days.

This year, the enemy made their first appearance, in the spring, at York, but found the inhabitants upon their guard. In June, colonel Hilton, of Exeter, being in the woods with eighteen men, was ambushed by a party, who fired and killed the colonel and two of his company, and took two prisoners, the rest escaping. Hilton was a good officer, and had behaved well with Church, in 1704, and upon other occasions; but at this time was off his guard. One hundred men went out upon the alarm, but had no other success than to bring in the dead mangled bodies to a decent interment. A few days after, sixty or seventy French and Indians appeared in the skirts of the town of Exeter, but were alarmed by the firing of a gun, and went off with four children only, which they picked up in the street or road at play, to the unspeakable distress of their parents upon receiving the news. In their retreat, they killed one man and took another prisoner. They then travelled westward and killed several of the inhabitants of Waterbury and Simsbury in Connecticut, struck down upon Brookfield and Marlborough, and from thence to Chelmsford, where major Tyng was slain, an officer respected for his prudence and courage.

The 2d of August, about fifty Indians came upon Winter harbour, and hovered about the place some time, until they had killed four or five and taken eight or ten

of the inhabitants. They insulted the fort, and found the garrison too many to be taken; but not enough to fall out and attack them. October the first, several persons, as they were going to meeting at Berwick, were waylaid, one of them killed, another had his horse shot under him, the rest escaping. The 10th of the same month, Bomazeen, with sixty or seventy more Indians, appeared at Winter-harbour, killed three or four and took as many captives; one of the latter was Johnson Harman, a noted officer in expeditions, the next war, against the enemy. The Indians, after they had done the mischief, sent a flag of truce to the fort, and offered to ransom their prisoners, if a vessel should be sent to Kennebeck river to receive them.

Our forces had been scouring the woods all the summer, but the parties of the enemy avoided them. Towards winter, colonel Walton, after his return from Port-royal, with one hundred and seventy men ranged the eastern country, and killed a Norridgewock chief and six or eight others. He made a second march to Winnepisaukee without any success; but in the mean time, the Indians he was hunting after were seeking for their own bloody game, more or less of which they met with at Cocheco, York, Wells, &c.*

After Port-royal was reduced, Nicholson went to England to solicit another expedition against Canada; and, although his intention was known, there seemed to be no expectation that he would succeed. The New England people we have observed, were all whigs, and supposed the tory ministry to be determined upon a peace, and rather disposed to suffer France to recover part of what she had lost, than to make further acquisition from her. And there was a general surprise at Nicholson's return to Boston, the 8th of June, with orders from the queen to the several governments of New England, to New York, the Jerseys and Pennsylvania to have their quotas of men in readiness for a fleet which was expected to arrive a few

days

* July 29, 1710, died at Bristol, in Massachusetts, John Saffin, esquire, who had been one of the council.

Feb. 9th, 1710-11, died colonel John Foster, one of the council from the charter, and a wealthy merchant in the town of Boston, of a most fair and unblemished character.

days after, and in fact did arrive the 24th following. This was short warning. What was more extraordinary, ten weeks' provision for the army was to be procured at Boston. It was one reason given for this measure, that there might be no suspicions in Europe of the destination of this armament. It might well be doubted whether it would be possible to procure such a quantity of provisions at Boston in season, and if it was not, it would be impossible to proceed. This extraordinary measure increased a jealousy, began before, that it was not designed Canada should be taken, and that the blame should be cast upon New England. This jealousy may have been as groundless as the charge, which Walker first, and after him, many other authors have brought against New England, for not affording that ready assistance which was expected; but it certainly had this effect, to cause, not only the government, but even private persons to exert themselves with more zeal and vigour than had been done upon any other occasion; and the people submitted, not without reluctance, it is true, to have their property taken from them in a way and manner which I think the people of Great Britain or Ireland, at this day, would not submit to. A general meeting of all the governors was appointed immediately after Nicholson's arrival at New London, and they were sitting when the fleet arrived. The assembly happened to be sitting at Boston when the first orders came. The governor, without delay, recommended to them a full compliance with the orders he had received. The first thing necessary was money. The credit of the treasury was so low in England, that no merchants or private persons here would take bills, unless the drawers would make themselves responsible, and there was nobody authorised to draw such bills. The general court determined to issue forty thousand pounds in bills of credit, and to lend them to merchants and others, for the term of two years. These persons with their bills of credit purchased bills of exchange upon the treasury in England, which, it was hoped, before the expiration of the two years, would be paid; and if they should not, it would be in the power of the government to continue the loan, but there was no engagement

engagement to do it. The next difficulty to be removed was the extravagant price to which provisions had started, upon the advice of this extraordinary demand. For this purpose, an order passed the court, stating the prices of the several species of provisions necessary for the service. The owners of the provisions shut up their stores, or removed their provisions in order to conceal them. The demand, which had raised the price, they urged, was the common chance in trade which every merchant was justly entitled to. Another order soon passed the court to impress all provisions, in whose possession soever, and for this purpose to open all doors and enter. This effected a general compliance. The short time spent for this purpose, and the refusal of particular persons to submit at first, caused a charge from the officers against the country in general, for unnecessarily delaying the fleet and army; and no notice was taken of the zeal of the government and this extraordinary measure for the removal of these impediments. The addition of so many mouths had caused a sudden rise of all poultry and fresh meat, and at that season of the year, if the usual consumption had continued, the forces must have failed of necessary refreshment. This consideration induced many of the principal gentlemen in Boston to deny themselves, and to engage, while the fleet lay there, to eat salt provisions and no other in their families. The soldiers and seamen, some of them, deserted, and were concealed by the inhabitants who were justly censured for doing it; but not so the country; for in all countries there are more or less persons who for the sake of gain will do the same. A law against this offence was made, with a very severe penalty, and a more summary way provided for trial of the offence than ever had been in any instance before. The desertion of the men put the admiral out of temper, and he wrote the governor an angry letter, in which he tells him, the service had been prejudiced, rather than forwarded, since his arrival at Boston, and demands from the government a supply of men equal to the loss. This could be done in no other way than an impress. The inhabitants, it must be owned, would not have

have submitted to it, but in general would have preferred a prison on shore to a man-of-war at sea.

Besides the mistake, in the plan of this expedition, with respect to a speedy supply of provisions at Boston without previous notice, there was another, in presuming that skilful pilots were to be obtained there. The best in the country were shipmasters, who had been once or twice up the river St. Lawrence. These were employed in other business upon which their future support depended, and they were averse to leaving it; but the government impressed them into the service, and afterwards was charged with their defect of skill, which, admitting it to be true, could not be helped.

The troops were all landed upon Noddle's island, about a mile from the town, where they were every day exercised in a healthy air; and it was allowed, that men were never landed and re-embarked in better order. The land force, including two regiments from New England, amounted to near seven thousand men, an army more than equal in number to that which afterwards reduced Quebec, under general Wolfe; although, in 1711, it was not half so strong as in 1759.

The fleet which arrived at Boston consisted of fifteen sail of men-of-war and forty transports, and all sailed again the 30th of July. Greater dispatch could not well be expected from such short warning. Nicholson set out for Albany the same day, to take the command of the forces which were to march by land.

Nothing remarkable happened in the passage of the fleet to Gaspee, where it arrived August 18, and sailed again the 20th. The next day and the day after proving foggy, and the wind beginning to blow fresh at E. S. E. the ships brought to, with their heads to the southward,* being out of sight of land and out of soundings. This the admiral, in his own account, says was by the advice of the pilots, both English and French, and that they were of opinion the fleet would drive into the midst of the channel or river. The New England pilots always denied they gave such advice,

[* Penhallow says, the pilots advised the admiral to bring to, with their heads to the southward, but that he ordered them to the northward. See *Wars of N. England*, p. 65.]

advice, and declared, upon their oaths, their opinion was not followed nor regarded. Some of the principal persons on board one of the ships which belonged to New England, reported, that upon the fleet's being ordered to lie with their heads to the southward, the whole ship's company determined they must drive upon the north shore, and they were confirmed in their former jealousy, that it was never intended the fleet should arrive at Quebec. This, however, is incredible, and the admiral, who had not the character of an abandoned man, was incapable of sacrificing the lives of so many men ; and it must be presumed he would not have thrown away his own life, which was exposed as well as the rest. The pilots from Boston supposed the admiral had a very mean opinion of them, and laid greater stress upon the judgment of the French pilots, who, through ignorance or from design, occasioned this wrong measure. In two or three hours after the fleet brought to, some of the transports were among the breakers. Eight or nine ships were lost upon the rocks, about midnight, one thousand of the men that were on board drowned, and about six or seven hundred saved by the other ships. All the men-of-war escaped ; the admiral's ship is said to have anchored, and the rest either stood off or came to anchor ; and the next morning, the wind shifting to W. S. W. the admiral bore away for Spanish river, the men-of-war and transports following ; but, the wind shifting again to east, they were eight days before they all arrived, and as they had the wind might more easily have gone to Quebec. In a council of war it was unanimously resolved, not only not to make any further trial to go up the river St. Lawrence, but also not to attempt any thing against Placentia in Newfoundland ; the fleet not being sufficiently victualled for either. They sailed the 16th of September, and the admiral arrived the 9th of October at Portsmouth, and the 15th his ship, the Edgar, blew up ; the cause not being known, jealous minds would suggest that even this was not without design.

The admiral supposed, in his account of the expedition, that if they had arrived at Quebec and landed their men, their misfortune would have been still greater ; that the French

French would either have quitted the place and carried all their provisions with them, or that they would have defended the place until the provisions of the fleet and army were spent, and they must have laid down their arms ; or if they finally surrendered, it was not to be expected the provisions for so small a garrison would have lasted any time for twelve thousand men, and French and English must have starved together. Vaudreuil had made the best preparations he could for their reception, having early notice of their coming from the governor of Placentia. An English prisoner, carried in there from Boston, gave an account of Nicholson's arrival, of the fleet that was to follow, and of the forces intended by way of the lake ; and the captain of a privateer saw the fleet within sixty leagues of Boston. This intelligence was afterwards confirmed by an Onondago Indian, who came to Quebec to inform of the great preparations making at Albany.*

Nicholson had made but little progress in his march when he received the news of this disaster, and if the fleet had arrived safe, he would have been too late to have drawn any of the French force from Quebec, before so much of the provisions of the fleet had been spent that it would not have been safe to have remained any longer ; and it is well he did not proceed, for as soon as Vaudreuil had advice of so many ships stove, and so many dead bodies with red coats drove upon the shore, and that the river was clear of ships, he ordered all the strength of Canada towards Montreal and the lake Champlain, which, if Nicholson had passed, would have been sufficient to prevent his return.

To complete the charge against Massachusetts, they are said to have represented the navigation to Quebec to be easy and without hazard, of which they were wholly ignorant ; for the French, after an hundred years' experience, almost every year suffered shipwreck, and failing in the bay and river St. Lawrence was so hazardous that they could hardly obtain sailors for a voyage thither. The Massachusetts people knew very well that Phips and his fleet went up and down without difficulty, in 1690 ; that

flags

* Charlevoix.

flags of truce had frequently passed and re-passed, and they supposed the French represented the passage difficult to deter other nations, and experience now shews that they judged right.

The American transports were all preserved, except one victualler, and the crew of that were saved. The disappointment and loss were grievous to New England. Some pious minds gave over all hopes of reducing Canada. So many attempts blasted, plainly indicated, as they conceived, that Providence never designed the whole northern continent of America for one European nation. Upon the first news in England of the disaster, the blame was laid upon governor Dudley, and it was said he would be removed, but his conduct soon appeared to have been unexceptionable.*

Upon the return of the Massachusetts troops, they gave an account of the freedom used by the sea and land officers, in attributing the whole misfortune to the colonies. The forces were unreasonably detained at Boston—the provisions fell short of what was expected—the pilots were ignorant and not fit to be trusted. The general court therefore thought that it was necessary to exculpate themselves, and that it would be prudent to lay no blame anywhere else. The governor, in his speech, October 17, says—“ I condole with you upon the sorrowful disaster of the fleet and forces sent hither, by her majesty’s special favour, to all her good subjects in the provinces of North America. I have had time enough, since the account thereof, to consider the several articles of her majesty’s commands to this government for the putting forward the expedition, and therein I cannot charge this assembly with neglect in any particular ; but when I peruse the journal of the proceedings, I think there was all provision and expedition made, in every article referring to soldiers, artificers, pilots, transports and provisions for the service of her majesty’s British forces, as well as our own ; which I hope you will see reason to consider and represent home for our justification, that it may be demonstrated that we were in earnest to do our duty to the utmost, for our own benefit

* Letters from London in 1711.

benefit and establishment, as well as her majesty's honour and just rights."

Three of the principal pilots in the service were sent to England, to be ready to give an account of their conduct, if inquiry should be made. A journal of the proceedings relative to the expedition was prepared and transmitted, together with an address* to the queen. The instructions to the agent were given with prudence and caution. "It chiefly concerns us to set forth that we have done our duty, by giving all assistance in obedience to her majesty's royal commands, as we have represented in our humble address herewith transmitted to be presented by you, and will appear by the journal and orders accompanying the same. We comported with the supplies, in the large demands made upon us, to the utmost of our power, beyond what we had at first a reasonable prospect to have provided timely, having so short notice, but made our utmost efforts and happily got through the same, in which you are to vindicate and justify the government.

"It is not our province, nor must you enter thereinto, to fault or impeach others, for want of doing their duty, or for their conduct in that affair, any further than is absolutely necessary for our own vindication. If there be just cause therefor, her majesty in her princely wisdom will direct the inquiry thereinto."

The pilots waited many months in England ready to answer any questions, but none were ever asked, nor was any inquiry ever made into the cause of the failure of the expedition. Upon the whole, it cannot be conceived that the admiral, general and principal persons employed in the execution of this plan, pursued any particular measures in order to defeat and overthrow it; that those who projected it in England had not good reason to expect, from the insufficient provision made, that it must fail of success,

* In this address it is among other things asserted, that one fifth part of the whole inhabitants of the province capable of bearing arms, were in pay that summer. The like proportion was employed two or three years successively in the late war. This would be thought extraordinary in any State in Europe.

success, and at best, were well content that it should, is not so certain.*

Although the principal object of this expedition was not obtained, yet, in all probability, Annapolis-royal was saved by it from falling into the hands of the French. The garrison there was reduced to a handful of men. Between two and three hundred of the New England forces were kept there, after the place was reduced, and four in five were dead, and they were afraid even of the Acadians alone, without any additional strength ; but the French court, sensible of their mistake in not giving more attention to the preservation of that country when it was in their hands, pressed the governor of Canada in the strongest manner to exert himself for the recovery of it. A body of troops was raised and ready to depart from Canada, when the news arrived of the English fleet and other preparations making ; and the men who were designed

against

* The account which Charlevoix gives of the French pilot does not agree with Walker's. "There was on board the admiral, a French prisoner, one Paradis, an old seaman, who was perfectly acquainted with the river St. Lawrence : this man cautioned him, when he was off the Seven Islands, not to venture too near the land, and he obliged him to make frequent tacks and to keep near the wind, which did not favour him. At length the admiral, tired out, and perhaps suspecting the pilot only designed to wear out his men, refused to come to stays, and bordered so near a little island called the Isle-of-eggs, that he and seven more were driven ashore by a very sudden squall at south-east, and stove to pieces, and but very few people were saved."

I will add a brief account of the disaster the fleet met with, from a letter of the New-England commissary, Sampson Sheaf.—"When I accepted the employment of commissary to the New-England forces on the Canada expedition, it was in hopes of doing some good service ; wherein I designed to do my best, and hoped with my diligence and best understanding to have been of some use ; but on the 22d of August, our fleet, under the command of sir Hovenden Walker, about eight or ten leagues above the entrance of Canada river, about eleven or twelve at night, met with a dismal disaster. Ten or eleven of the British transports run on the north shore and were dashed to pieces against the rocks. I hear but of one vessel belonging to New England met with any damage. There is an eminent providence of God therein, which doubtless we ought to consider ; but as to the instrumental cause, by whose misconduct, remains to be examined, and I hope will be made evident. The admiral and general were in great danger, they saved themselves and their ships by anchoring, but lost several anchors. It was lamentable to hear the shrieks of the sinking, drowning, departing souls. The ship wherein I was embarked, with very great difficulty weathered the rocks, but we were in no capacity to succour them that were in distress.

"Admiral Walker, just before our departure from Spanish river, set up a cross with an inscription, dated 15th of September, *In nomine Patrii, &c.* the purport of which was, that thereby he took possession of that country for her majesty.

"This will be a bitter pill for New England. The French will now employ their Indians with redoubled rage and malice, to distress and destroy our exposed frontiers.

"*Annapolis Royal, Octo. 6, 1711.*"

against Nova Scotia were detained at home to defend Canada. The French inhabitants of Acadie, having notice of the force intended from Canada, grew insolent, and it was not safe for an English man to stir out of the fort. As soon as they heard of the disappointment, they became submissive again and made acknowledgment of their faults ; but at the same time let Vaudreuil know that the French king had no better subjects, and necessity alone had brought them to this submission. These were the inhabitants round the fort included in the capitulation. Many of those at a distance had not yet submitted to the English, and captain Pigeon, an officer of the regulars, was sent up the river to destroy some of the French houses, as well as to cut timber for the repair of the fort. He was surprised by a great number of Indians, who killed the fort-major, the engineer and all the boat's crew, and took thirty or forty of the garrison prisoners. This stroke encouraged the inhabitants again to take up arms, and five hundred of them, with as many Indians as they could collect, were preparing to attack the fort, expecting an experienced officer from Placentia to head them ; but the governor not being able to spare one, they laid down their arms again and dispersed.

To meet the French or Indian enemy, who were expected upon our frontiers, colonel Walton was sent in the fall with one hundred and eighty men as far as Penobscot, where he burned two vessels which were designed for privateers or cruisers, and took some prisoners.

The year 1711 was rendered remarkable by a fire in the town of Boston, which from that time until the year 1760 was called the great fire. It was supposed to have been caused by the carelessness of an old woman in or near what is called Williams's court ; all the houses on both sides of Cornhill, from School-street to what is called the stone shop in Dock-square, all the upper part of King-street on the south and north side, together with the town-house, and what was called the old meeting house above it, were consumed to ashes.*

Early

* Colonel Toller arrived in the fall of the year 1711 with her majesty's commission for Lieutenant governor.

Early in the spring, the enemy fell upon us, and made spoil upon Oyster river, Exeter, Kittery, York and Wells. In May, a party of English went up Merrimack river and killed eight Indians, without loss to themselves ; but the Indians will not rest long without revenge. In June and July, they killed or took prisoners several from Berwick, Kittery, Wells, Dover and Kingston. At Dover, apprehending they were in danger as they were scalping two children, for greater dispatch they took off both their heads, leaving the bodies a doleful spectacle to their unhappy parents. In the fall, a great number of people being at a wedding of captain Wheelwright's daughter, of Wells, the enemy surprised several of the company, and among the rest the bridegroom, Mr. Plaisted, son to a gentleman of Portsmouth. The Indians expected a good ransom for such a prisoner, and, instead of carrying him to Canada, sent in a flag, and offered upon payment of three hundred pounds to release him ; and the money was paid and the prisoner returned. I am tired of relating these inroads of the enemy, many of which I have given an account of in general terms, and avoided frequently enumerating circumstances which excite horror from the mere relation. This was the last action of any consequence. In the spring, after the peace of Utrecht was known in America, the Indians sent in to major Moodie at Casco, to pray that there might be peace between the English and them also, and proposed a treaty to be held there ; but the governor thought it more for his honour to oblige them to come to Portsmouth, the chief town of one of his governments, than to go to the borders of their usual residence ; and upon the 13th of July they entered anew into articles of submission and pacification, signed by a number of chiefs of their several tribes, wherein they ask pardon for all their past rebellions and violations of former promises, and engage to demean themselves for the future as very obedient faithful subjects of the crown of Great Britain. An observation occurs to me which I may properly enough bring in at the close of this war.

Notwithstanding

Notwithstanding the inhabitants in the colonies in general double their numbers, from their natural growth or increase, in twenty-five years at most, yet the growth of the Massachusetts colony and New Hampshire have borne no proportion to the rest; and in the year 1713 there was not double the number of inhabitants in the Massachusetts province, which the several colonies of which it was formed contained fifty years before. During this period, there was no remarkable emigration to other colonies. There was vacant land sufficient to extend settlements upon, and as easy to be procured as anywhere else. The heavy taxes may have drove some to other governments, but the chief reason of the difference is the constant state of war which those two provinces were in, Massachusetts especially. From 1675, when Philip's war begun, to 1713, five or six thousand of the youth of the country had perished by the enemy, or by distempers contracted in the service; nine in ten of these would have been fathers of families, and in the course of forty years have multiplied to near an hundred thousand souls.*

I cannot avoid a reflection also upon the heavy burdens which the province subjected itself to during this war, I suppose beyond those of any other ten years from the first settlement. The Castle and other fortifications at Boston, the several forts in the eastern country, the various expensive expeditions actually prosecuted, and the preparations made for others, added to the constant defence of the extensive frontiers and to the support of the civil government without any relief or compensation from the crown, certainly must have occasioned such an annual burden as was not felt by any other subjects of Great Britain; and the merit of the people of that day ought not to be forgot.

The settlement of the line of jurisdiction between the province and the colony of Connecticut which was accomplished

* The same observation may be made from 1722 to 1762. The inhabitants have not doubled their number. The loss of two or three thousand young men, at and after the siege of Louisbourg, will go a great way towards accounting for the deficiency. It is probable there would have been two hundred thousand souls more than there are at this time in New England, if the French had been driven from Canada an hundred years ago.

plished in the year 1713, after ineffectual attempts for several years before, deserves particular notice. In 1636 the first settlers upon Connecticut river removed from Massachusetts and took possession of the country upon and near the river on both sides, from Springfield as low as Weathersfield, inclusive of both, and managed their affairs by virtue of authority from the general court of Massachusetts. In 1638 the inhabitants of Springfield, which included what was afterwards called Suffield, below on one side of the river, and Enfield on the other side, having no doubt that they were within the limits of the Massachusetts patent, petitioned the general court that they might be separated from the other towns below, and be received and continued as part of the colony, which was granted, and jurisdiction exercised accordingly. In 1642, by order of the general court, two mathematicians, as they are called in the records, Nathan Woodward and Solomon Saffery, run a line west, as they supposed, from a station three miles north of Charles river, until they came to Windsor upon Connecticut river, where it struck the house of Bissell who kept the ferry. The people who had settled upon Connecticut river had no better title to land or jurisdiction than possession, the grant made them by the Massachusetts general court being a mere nullity.

In 1630, the earl of Warwick had obtained from the council of Plymouth a patent of the lands upon a straight line near the sea shore towards the south-west, west-and-by-south, or west, from Naraganset river forty leagues, as the coast lies towards Virginia, and all within that breadth to the South Sea, and yet, in 1635, all the lands between Connecticut river and the Naraganset country were assigned by the same council to the marquis of Hamilton. Lord Say and others had purchased the earl of Warwick's title, and by their agents built a fort at the mouth of Connecticut river about the year 1635, and four or five years after Mr. Fenwick came over with design to take possession of the lands upon Connecticut river under lord Say, &c. and remained in possession of the mouth of the river until 1644, when the settlers purchased the title of the lords,

lords, as it was called, and formed themselves into, or continued the form they had assumed, of a body politic.

When the line was run by Woodward and Saffery, Fenwick was to have joined, as the Massachusets commissioners for the United Colonies afterwards affirmed, though Connecticut commissioners denied it; and in 1648, when a dispute arose about a duty required of Springfield for the support of the fort at the mouth of the river, Massachusets offered to run the line anew if Connecticut would be at the charge, Massachusets having been at the sole charge before; but this was not agreed to, and the fort being burned down, and the controversy about the duty at an end, this line seems to have been acquiesced in; and in 1662, Mr. Winthrop obtained from king Charles a charter for the colonies of Connecticut and New Haven united, the north line whereof is intended to be the same with the south line of Massachusets. From this time until after the incorporation of Massachusets by a new charter in 1691, we hear nothing about bounds, except some controversies between Springfield and Windsor about their towns' grants, and letters from the authority of each government relative to it; and in 1686 many of the inhabitants of Roxbury pitched upon a tract of land to settle upon, which was bounded on the south by Woodward and Saffery's line, and it was granted to them by the Massachusets government, and took the name of Woodstock. Grants were also made to particular persons of tracts of land near to this line.

After the new charter, Connecticut made a more serious affair of what was called the Massachusets encroachments, and in 1700, upon the appointment of a committee by Connecticut with a general power to settle the bounds between the two governments, Massachusets appointed a committee* with a special limited power, viz. to find the southernmost line of the late colony of Massachusets as anciently run by Nathanael Woodward and Solomon Saffery, and to make report thereof to the general court. This was not what Connecticut wanted, for they supposed

* Colonel Hutchinson, Mr. Taylor, Mr. Anthrum, and Mr. Prout.

Woodward and Saffery's line to be erroneous ; however, they appointed a committee* to attend the work, who reported to their constituents that a line from three miles north of Charles-river, or Woodward and Saffery's station, would run some miles to the northward of John Bissell's house, where Woodward and Saffery supposed it to run, and in 1702 Mr. Winthrop, the governor of Connecticut, wrote to governor Dudley and desired that Massachusetts would join in ascertaining the difference of latitude between the Charles-river station and Bissell's house. There were other attempts to bring this affair to a conclusion, but ineffectual, and in 1708, by a state of the case read in both houses, it appears that Massachusetts intended " to rely upon the line formerly run, as it is therein said, by two skilful artists in the year 1642, and which has continued the stated boundary for sixty-six years." They add, that Connecticut charter, which was granted in 1662, was bounded by the south line of Massachusetts, which was not then an imaginary or untried line, but well known to the gentleman† who solicited that charter, who, if he had thought it controvertible, would doubtless have obtained an order for rectifying and adjusting it ; and supposing, which was not granted, that there should be any error or mistake in the line, yet, having been run and stated so long before the grant of Connecticut charter, and held by possession for sixty-six years, and towns and plantations having been granted and settled upon the same, it was unreasonable now to draw it into question.

There being so little prospect of Massachusetts receding from a line of which they had so long been in possession, Connecticut made their application to England, and I find by a letter from governor Saltonstall, of Connecticut, in 1710, that he was expecting orders concerning it. If any came, probably they were such as repeatedly afterwards were sent to New Hampshire, viz. to settle the controversy by commissioners appointed or agreed upon by the general courts of each colony. Be that as it may, it is certain that Connecticut renewed their application to Massachusetts,

* William Pitkin, esquire, and captain William Whiting.

† Mr. Winthrop, many years an assistant in Massachusetts. See Vol. I. Chap. i.

Massachusetts, and at length commissions passed the seals of each government with ample powers to settle the controversy. Massachusetts people were intent upon securing the property to such persons to whom they had granted lands, and the jurisdiction of those towns which had been settled by them. Suffield, Enfield and Woodstock were the only towns which could be affected. Connecticut was also apprehensive that part of the town of Simsbury, which had been settled by that government, might fall within Massachusetts. It was therefore settled as a preliminary, that the towns should remain to the governments by which they had been settled, and the property of as many acres as should appear upon a balance to have been gained by one government from the other should be conveyed out of other unimproved lands as a satisfaction or equivalent, only, as there was about two miles which Windsor claimed upon the town of Suffield, there having been long contest between these two towns concerning the validity of the respective grants, it was agreed the two miles should belong to Connecticut if they fell within their line.

Nothing could be more equitable, nor tend more to the future peace and content of the inhabitants of the contested borders.

It appeared by the report of the commissioners, that one hundred and seven thousand seven hundred and ninety-three acres of land were due from Massachusetts, who accordingly made a grant thereof to Connecticut. They accepted and made sale of the same, and applied the produce to the support of Yale college and other public uses, and the controverted towns for many years after continued without molestation under the jurisdiction by which they were first settled.

The affairs of the war had so engaged the attention of all persons, that we hear little of party disputes and discord, for five or six years past; but as soon as they were delivered from enemies without, a contention began within from a new cause, the effects of which were felt many years together. The paper bills of credit were the cause of this contention. So many bills had been issued for the

charges of the war, particularly the large sum of forty thousand pounds, issued for the Canada expedition, that they were become the sole instrument and measure of commerce, and silver and gold were entirely banished. Of two instruments, one in use in a particular State only, the other with the whole commercial world, it is easy to determine which must leave that particular State and which remain: The currency of silver and gold entirely ceasing, the price of every thing bought or sold was no longer compared therewith, but with the paper bills, or rather with mere ideal pounds, shillings and pence. The rise of exchange with England and all other countries was not attributed to the true cause, the want of a fixed staple medium, but to the general bad state of the trade. It was thought that increasing the paper bills would enliven and reform the trade. Three parties were formed, one very small, which was for drawing in the paper bills and depending upon a silver and gold currency. Mr. Hutchinson, one of the members for Boston, was among the most active of this party. He was an enemy all his life to a depreciating currency, upon a principle very ancient, but too seldom practised upon, *nil utile quod non honestum*.

Another party was very numerous. These had projected a private bank, or rather had taken up a project published in London in the year 1684; but this not being generally known in America, a merchant in Boston was the reputed father of it. There was nothing more in it than issuing bills of credit, which all the members of the company promised to receive as money, but at no certain value compared with silver and gold; and real estates to a sufficient value were to be bound as a security that the company should perform their engagements. They were soliciting the sanction of the general court, and an act of government to incorporate them. This party generally consisted of persons in difficult or involved circumstances in trade, or such as were possessed of real estates, but had little or no ready money at command, or men of no substance at all; and we may well enough suppose the party to be very numerous. Some, no doubt, joined them from

mistaken

mistaken principles, and an apprehension that it was a scheme beneficial to the public, and some for party's sake and popular applause.

Three of the representatives of Boston, Mr. Cooke, son to the agent we have so often mentioned, Mr. Noyes, a gentleman in great esteem with the inhabitants in general, and Mr. Payne, were the supporters of the party. Mr. Hutchinson, the other, (an attempt to leave him out of the house not succeeding) was sent from the house to the council, where his opposition would be of less consequence. The governor was no favourer of the scheme, but the lieutenant governor, a gentleman of no great fortune, and whose stipend from the government was trifling, engaged in this cause with great zeal.

A third party, though very opposite to the private bank, yet were no enemies to bills of credit. They were in favour of a loan of bills from the government to any of the inhabitants who would mortgage their estates as a security for the re-payment of the bills, with interest, in a term of years, the interest to be paid annually, and applied to the support of government. This was an easy way of paying public charges, which, no doubt, they wondered that in so many ages the wisdom of other governments had never discovered. The principal men of the council were in favour of it, and it being thought by the first party the least of two evils, they fell in with the scheme, and after that the country was divided between the public and private bank. The house of representatives was near equally divided, but rather favourers of the private bank, from the great influence of the Boston members in the house, and a great number of persons of the town, out of it. The controversy had an universal spread, and divided towns, parishes, and particular families.*

At length, after a long struggle, the party for the public bank prevailed in the general court for a loan of fifty thousand

* May 8, 1713, died at Yarmouth John Thacher, esquire, one of the council, in his 75th year.

In Vol. I. Chap. iii. it is said sir Edmund Andros died in Virginia; but I find by letters from London dated the 24th Feb. 1713-14, that he died there in that week.

thousand pounds in bills of credit, which were put into the hands of trustees* and lent for five years only, to any of the inhabitants at five per cent. interest, one fifth part of the principal to be paid annually. This lessened the number of the party for the private bank, but it increased the zeal, and raised a strong resentment, in those which remained.

A vessel which arrived at Boston from Ireland the 15th of September, brought the first news of the death of the queen, and the accession of king George the first; and two days after a vessel arrived, from some part of Great Britain, with the printed proclamation in the London Gazette. This the governor thought sufficient warrant, without express orders, for proclaiming the king in the province. The practice in the colonies has not been uniform on the like occasions. At New Hampshire, the king was proclaimed from the same intelligence the 22d of September;† at Rhode Island, the 29th; at New York, the 11th of October; at New Haven, in Connecticut, the 14th; at Philadelphia, the 27th; no express orders being received in any of those places; but at Annapolis-royal it was delayed until the 2d of December. The propriety of proceeding without express orders has been questioned; but the absurdity of acts of government, in the name and by authority of a prince, for months together after certain intelligence of their demise, has generally influenced the governors to proceed.

The secret designs of queen Anne's last ministry were no where more suspected, nor more dreaded, than in Massachusetts; and the first of August was no where celebrated with greater joy, during the whole of the king's reign.

The Hazard sloop, sent express from England with orders to the government, was lost upon Cohasset rocks the 12th of November; the vessel being stove to pieces, and no papers of any consequence saved. Enough washed ashore to make certain what vessel it was, and one man had

* The trustees were Andrew Belcher, Addington Davenport, Thomas Hutchinson, Edward Hutchinson, and John White.

† The 23d by special order from the governor the king was proclaimed at Salem, the civil and military officers and principal gentlemen, as well as great numbers of other inhabitants, attending. This was not the only instance of respect shewn by Mr. Dudley to this ancient and reputable town.

had been landed and left at Nantucket. Six months from the king's accession expired, and no orders had arrived for continuing officers in their posts. The authority of the governor began to be called in question. By the charter, upon the death, removal or absence of the governor and lieutenant governor, and there being no person commissionated as governor within the province, in such cases the government devolves upon the council or the major part of them. The council deriving their authority from charter and not from a royal commission, the act of parliament limiting the continuance in office to six months after the death of a prince, it was supposed, could not affect their authority. The advice of the miscarriage of the first orders went the first opportunity to England, and new orders were daily expected, and some were inclined to wait; but, on the 4th of February, the council assumed the government, the lieutenant governor, being of the council, joining with the rest, and issued a proclamation for all officers to continue in their posts, &c.

An instruction had been given by the queen, in 1707, directing that in case of the death or absence of the governor and lieutenant governor, the eldest counsellor should preside in the province; but the charter giving the powers of government to the major part, this instruction was not regarded.

The administration of the council was short, and nothing of moment was transacted. On the 21st of March, the king's proclamation was received, and the governor re-assumed with as great parade as if he had been first entering upon the government; but he had reason to expect his rule would be short. His friends in the province were increased. Those who had been his greatest opposers had many of them changed sides and were strongly attached to him, and used what interest they had with sir William Ashurst* and others that he might be continued, and

at

* "I am glad to hear of the prosperity of New England, and that the governor engages the good wishes of the people for his continuance. I am of opinion you cannot be better than you are at present; if you should have a new one you must expect it to be a necessitous person. Certainly you have reason to expect more advantages from one that is born among you than from a stranger to your constitution." — *W. Ashurst to I. Mather, Aug. 10, 1714.*

at their request Ashurst appeared for him. The bankers were the chief of the disaffected, and colonel Byfield,* a gentleman of the council, father-in-law to the lieutenant governor, went over to England to endeavour to supplant him, but wanted interest. In England Mr. Dudley lost his friends by the queen's death. Colonel Burges, who had served under general Stanhope, was by his interest in February appointed to the government, and his commissions passed the seals March the 17th; and Ashurst writes that the general had promised to be answerable for his good behaviour.

Mr. Dudley met the assembly at the election in May, but made no speech, though he had never failed of doing it before. The council and house chose his great adversary, Mr. Cooke,† whom he had so often negatived, into the council, and either from indifference, or a spirit of forgiveness before his political departure, he now approved of him.

Colonel Burges intended to stay a short time in England. The bank party were impatient for the removal of Dudley, who did not favour them, and whose second son, William Dudley, who began to have great weight in the house of representatives, was a violent opposer. An unusual step was taken, that the governor's commission might be superseded. An exemplification of Burges's commission was obtained, and that, with the new commis-
fion

* Colonel Byfield came from England about the year 1680, and settled soon after at Bristol, in the colony of New Plymouth. His father was Richard Byfield, one of the assembly of divines; his mother, sister to bishop Juxon. He had interest to obtain a commission for judge of the admiralty in 1703, which he held until 1715. He complained of being injuriously reproved by Mr. Dudley in council, for some alleged errors in judicial proceedings, and was after that always in the opposition.

† Mr. Cooke died the 31st of October this year, aged 78. He was esteemed as a physician, but most remarkable in his political character, having been more than forty years together employed in places of public trust, always firm and steady to his principles. I am obliged to Mr. Middlecot Cooke, his grandson, for many of his papers, which have been of great use.

The same day Thomas Oliver, esquire, another of the council, died at Newton.

Mr. Addington died this year also (March 19, 1714-15.) He had been secretary before the arrival of the charter, and had the character of great integrity, and of being in every other respect well qualified for his post. After his death, the governor appointed his son Paul Dudley and Addington Davenport, commissioners for keeping the great seal and the public records and files, until his majesty should appoint a secretary for the province.

Samuel Woodward arrived at Boston, Sept. 22d, 1715, with his majesty's commission for secretary.

Nov. 16. Ichabod Plaisted, esquire, another of the council, died in his 52d year.

fion or warrant to the lieutenant governor Tailer, were published in Boston at the same time, the 9th of November ;* and thereupon Tailer took upon him the administration. It was questioned whether this was regular ; the commissions lay three or four weeks for the council to consider of ; but at length they advised to the publication. I know of no other instance of the publication of a governor's commission in Massachusetts before his arrival in person. In Virginia it must have been practised, if a publication has been judged necessary ; several of their governors having never been in the colony. The house of representatives, the first day of their sitting (Nov. 23d) appointed a committee to consider of the commissions, but no public exception was taken. Mr. Dudley's friends were sensible he could continue but a short time, for the original commission with the new governor would remove all doubt ; he himself was in advanced life, near seventy, and had felt so much of the burden of government that he might well be weary of it, and, like his friend Mr. Stoughton, wish to retire.

No New England man had passed through more scenes of busy life than Mr. Dudley. His friends intended otherwise. He was educated for the ministry, and if various dignities had been known in the New England churches, possibly he had lived and died a clergyman ; but without this, nothing could be more dissonant from his genius. He soon turned his thoughts to civil affairs ; was first a deputy or representative of the town of Roxbury, then an assistant, then agent for the colony in England, where he laid a foundation for a commission, soon after appointing him president of the council, first for Massachusetts only, but, under Andros, for all New England. Upon the revolution, for a short time he was sunk in disgrace, but soon emerged. He appeared first in the character of chief justice at New York, then returning to England, became lieutenant governor of the Isle of Wight and member of parliament for Newtown, both which places he willingly resigned for the chief command in his own country. Ambition was

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* His commission for lieutenant governor under Burges had been read in council the 24th of September, and he then took the oaths, but no exemplification of Burges's commission was then arrived.

the ruling passion, and perhaps, like Cæsar, he had rather be the first man in New England than the second in Old. Few men have been pursued by their enemies with greater virulence, and few have been supported by their friends with greater zeal. We have seen a second generation inherit the spirit of their ancestors, the descendants on one side preserving an affection for his family and posterity, and on the other, retaining equal disaffection against them. Some of his good qualities were so conspicuous, that his enemies could not avoid acknowledging them. He applied himself with the greatest diligence to the business of his station. The affairs of the war and other parts of his administration were conducted with good judgment. In economy he excelled both in public and private life. He supported the dignity of a governor without the reproach of parsimony, and yet, from the moderate emoluments of his post, made an addition to his paternal estate. The visible increase of his substance made some incredible reports of gross bribery and corruption to be very easily received ; but, in times when party spirit prevails, what will not a governor's enemies believe, however injurious and absurd ? At such a time, he was charged with dispensing *summum jus* to Leisler, and incurring an aggravated guilt of blood, beyond that of a common murderer. The other party, no doubt, would have charged the failure of justice upon him, if Leisler had been acquitted. His cringing to Randolph, when in his heart he despised him, was a spot in his character ; and his secret insinuations, to the disadvantage of his country, was a greater ; both being for the sake of recommending himself to court favour. I think it is no more than justice to his character, to allow that he had as many virtues as can consist with so great a thirst for honour and power.

His life would afford convincing evidence, if there was any doubt, that an humble calm mind enjoys more happiness in private life, than an ambitious, anxious mind in the highest station. No man in our history had seen more of the *temporum varietates fortunæque vicissitudines*, which Cicero, in one of his epistles to Lucceius, says, afford a pleasing narration, however irksome to the man who has the experience of them.

Colonel Tailer's strong attachment to the bank party procured him the administration for a few months; but was the cause of his losing his commission for lieutenant governor immediately after. It was supposed, I know not upon what grounds, that colonel Burges would favour the same party, and his arrival was every day wished for by them; whilst the other party dreaded it, and laboured to prevent it. It was said also that, in other respects, he would by no means be agreeable to the country; a gentleman of a more grave, serious turn of mind would be more likely to be happy here himself and to render the people so. Mr. Belcher, afterwards governor, who was very opposite to the bank party, was then in London; he joined with Mr. Dummer, the agent, and they engaged sir William Ashurst with them, and prevailed upon Burges for a thousand pounds sterling, which Belcher and Dummer advanced equally between them, to resign his commission, that colonel Shute might be appointed in his stead. Colonel Tailer's friends had endeavoured to engage Ashurst in his favour, but to no purpose;* the same interest obtained the lieutenant governor's commission for Mr. William Dummer, a New England gentleman, who had married a daughter of Mr. Dummer, one of the commissioners at Plymouth, and was in some post there himself; but, his wife dying, he had returned to his native country.

Colonel Shute's family were generally dissenters: his father an eminent citizen in London; his mother, daughter of Mr. Caryl, a dissenting minister of great note. His brother, afterwards lord Barrington, was then a member of parliament, and at the head of the dissenting interest. The colonel began his education under Mr. Charles Morton, who about the year 1684 came to New England and was minister of Charlestown. After tuition under him,

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* "I have no design to lessen colonel Tailer's merit, but I must observe on this article, that you seem knowingly and industriously to suppress the true reason of his popularity, which is his being at the head of the private bank, and which I take to be a new and strong reason for putting him out of his employment; and, in this, I do not rely upon my own judgment, but upon the judgment of many principal gentlemen in the bank of England, who condemn it as mischievous to the country, and calculated to serve private, sinister views." — *Ashurst's let. to Mather.*

he was sent to Leyden. He went after that into the army under king William, who made him a captain, served under the duke of Marlborough, was a lieutenant colonel, and wounded in one of the principal battles in Flanders. He had a good acquaintance, and was well esteemed at court; had the character of a friend to liberty, and was of an open, generous and humane disposition. A governor of his character might be supposed to be welcome to New England men; but the interest of party prevails over all other considerations, and virtue, religion, private friendship and public good are all sacrificed to promote it.*

* Feb. 14, 1715-16, died at Salem William Browne, esquire, in his 78th year, an assistant under the old charter, and one of sir Edmund Andros's council, which seems to have been the reason of his not being nominated by Mr. Mather, and appointed by king William under the present charter. This neglect naturally procured him some votes at the first election afterwards, and he was brought into the council and continued many years.

Jan. 14th, the same year, died at Salem Elizabeth Patch, the first born female in the old colony of Massachussetts, so that she must have lived 86 or 87 years; and April 14th following, died at Newport Mary Godfrey, aged about 77, being the first child born there. The longevity of the first born in each of the three colonies is worth noting.—July 20, 1704, died at Marshfield Peregrine White, aged eighty-three years and eight months, the first born in Plymouth colony.

The following paragraphs should have been added to the note in page 136, viz.— The governor, in the month of March this year, [1704] returning by water from his other government of New Hampshire, before the brigantine in which he had taken his passage came up with Cape Ann, was surprised with as violent a storm as had been known, and of as long continuance. There being advice brought to Boston of his sailing from Portsmouth, and no further intelligence of him, it was generally apprehended that the vessel must have foundered. At length came news of his arrival in the harbour of Gloucester, having been four days at anchor on the back of the Cape, expecting every hour to perish. In a proclamation for a public thanksgiving a few days after, notice is taken of his wonderful preservation from shipwreck.

April 4, 1704, died at Newbury Daniel Pierce, esquire, of the council.

C H A P. III.

From the arrival of governor Shute, in 1716, to the arrival of governor Belcher, in 1730.

COLONEL Shute arrived at Boston, October the 4th, 1716, in a merchant-ship, and was received with usual parade. He made the opposers of the bank his first acquaintance, the old governor's family in particular, and took his lodgings at Mr. Paul Dudley's. He had received very unfavourable impressions of the other party, from Mr. Belcher and Mr. Dummer, in England, and was considered from his first arrival as an enemy to the scheme, and the heads of the party were the heads of an opposition, during the whole of his administration. In his first speech to the general court, November 7th, he puts them in mind of the bad state of the trade of the province, an important article of any people's happiness, owing, as he supposed, to the great scarcity of money, and recommends the consideration of some effectual measures to supply this want, and thereby to restore trade to a flourishing condition. This was pointing out to them a further emission of government's bills, and the representatives, pleased with so easy a method of obtaining money, soon determined upon a second loan of one hundred thousand pounds for ten years, to be put into the hands of commissioners appointed for each county in proportion to their taxes. This provision being made by the government, there was the less pretence for private persons or companies issuing their bills; but it gave no relief to the trade, the whole currency soon depreciating to that degree as, with this addition, to answer the purposes of money very little more than if it had not been made. The governor became sensible of it, and recommended to them to provide against it, which they were not able to do; and many of them would not have been willing if they had been able, being in debt, and by means of the depreciation discharging their

their debts by a nominal sum, perhaps of not more than one half the real value of the debts. He soon found the effects of it upon his own salary, which they refused to advance as the bills funk, and having recommended this measure in a public speech, it became more difficult afterwards to refuse repeating it.

The province had been at war with the eastern Indians, except some short intervals, for about forty years. The prospect of a long peace between Great Britain and France encouraged us to hope for the like with the Indians, who had always been under French influence; but their father, Rallé, a Jesuit, was constantly instigating them to insult and annoy the new settlers, who, he pretended, encroached upon the lands of the Indians, and by supplying them with strong drink debauched their morals and prevented the progress of the good work he had began among them. A treaty or conference was thought expedient to confirm them in their friendship with the English, and if possible, to draw them from the Roman Catholic to the Protestant religion. The governor, therefore, the first summer after his arrival, in August, attended by several of the council both of Massachusetts and New Hampshire and other gentlemen, met the Indians at Arowsick island.

At the beginning of the conference, he delivered them an English and an Indian bible, which he told them contained the religion of the English; and at the same time recommended to them Mr. Baxter, a minister who went down as a missionary, and told them he would explain the bible and instruct them in the principles of religion. They were at no loss for an answer. "All people, they said, loved their own ministers; and as for the bible, they desired to be excused from keeping it; God had given them teaching, and if they should go from that, they should displease God." They were fixed in their religion, and it would have been a loss of time to attempt to move them. The rest of the conference was upon the right of the English to settle in that part of the country. Upon complaint made by the Indians of encroachments upon their lands, the governor produced one of the original deeds which had been given by their sachems. They acknowledged

edged the lands to the west of Kennebeck belonged to the English, but they were sure no sale had ever been made of any lands to the east. The governor told them, the English would not part with an inch of the land which belonged to them. The Indians were so offended that they rose immediately, and, without any ceremony, took to their canoes and went to another island where they had their head-quarters, leaving behind an English flag which the governor had given them.* In the evening, several of them returned to Arowfick with a letter from Rallè to the governor, acquainting him that the French king did not allow, that in any treaty he had given away the land of the Indians to the English, and would protect the Indians against the English encroachments. The governor let them know, that he highly resented the insolence of the Jesuit, and the next morning ordered the signal for sailing.

* *Wirurns.* We are willing to cut off our lands as far as the mills and the coasts to Pemaquid.

Governor. Tell them we desire only what is our own, and that we will have. We will not wrong them, but what is our own we will be masters of.

Wiru. It was said at Casco treaty that no mere forts should be made.

Gov. Tell them the forts are not made for their hurt, and that I wonder they should speak against them, when they are for the security of both, we being all subjects of king George.

Wiru. We cannot understand how our lands have been purchased; what has been alienated was by our gift. [His excellency hereupon ordered that a deed of sale of lands on Kennebeck river, made by six Indian sagamores to Richard Wharton, should be opened and exhibited to them; which was done, and partly read and interpreted to them.]

Wiru. As for the west side of Kennebeck river I have nothing to say, but am sure nothing has been sold on the east side.

Gov. I expect their positive answer and compliance in the matter, that the English may be quiet in the possession of the lands they have purchased.

Wiru. We don't know what to think of new forts built.

Gov. I have spoke to that already, and told them they are for our mutual defence.

Wiru. We should be pleased with king George if there was never a fort in the eastern parts.

Gov. Tell them that wherever there is a new settlement I shall always order a fort, if I think it proper, and that it is for the security of them and us; and so do the French. Are any people under the same government afraid of being made too strong to keep out enemies?

Wiru. We are a little uneasy concerning these lands, but are willing the English shall possess all they have excepting forts.

Gov. Tell them we will not take an inch of their land, nor will we part with an inch of our own.

Wiru. We shall have fishing and fowling where we will.

Gov. It is freely consented to, and they are assured of it. [Then the Indians rose up at once and withdrew in a hasty abrupt manner, without taking leave, and left behind them their English colours, returning to the head-quarters at Puddlestone's island.—*Conference at Arowfick, 1717.*]

failing. Rallé in his letters often laments the unsteadiness of the Indians. They were afraid at this time of a new war. The old men were loath to quit their villages at Norridgewock and Penobscot, where they lived at ease, and encamp in the woods, or, which was much worse, depend upon the French, who, they would often say, treated them like dogs when there was no immediate occasion for their service. This consideration induced them to send two of their number with a message to the governor, acknowledging that yesterday they had been rude and unmannerly, and earnestly desiring to see him again. He let them know he would see them upon no terms, unless they quitted their pretensions to the lands which belonged to the English. This the messengers promised should be done, and desired that the English colours which they had slighted might be returned them. In the evening, they came again to the conference, and appointed a new speaker as a mark of resentment against the former, who, they said, had behaved ill the day before, and, without entering into any dispute about particular limits or bounds, declared they were willing the English should settle where their predecessors had settled; desired to live in peace and to be supplied with necessaries in a way of trade; confessed that some of their inconsiderate young men had offered injuries to the English, and violated the treaty of Portsmouth in 1713. After renewing that treaty, the conference ended.

The beginning of an administration in the colonies is generally calm and without ruffle. Several months passed, after colonel Shute's arrival, without open opposition to any measures. The town of Boston at the first election of their representatives, left out such as had been bank men, and chose such as were of the other party, but Mr. Cooke, who was at the head of the first party, had interest enough to obtain a place in council. It was soon after insinuated that the governor was a weak man, easily led away, and that he was in the hands of the Dudleys, men of high principles in government, and it behoved the people to be very careful of their liberties. Mr. Cooke, who had the character of a fair and open enemy, was free in expressing

expressing his sentiments, and the governor was informed of some contemptuous language in private company, with which he was so much offended as to procure Mr. Cooke's removal from the place of clerk to the superior court. A dispute happening about the same time between Mr. Bridger,* surveyor of the woods, and the inhabitants of the province of Maine, concerning the property of the white pine trees within that province, Mr. Cooke immediately inserted himself in the controversy, publickly patronized the inhabitants, and in a memorial to the house of representatives charged the surveyor with mal-conduct in threatening to prosecute all who without license from him should cut any pine trees in their own ground, which Mr. Cooke alleged they had good right to do; and he further charged the surveyor with permitting such persons as would pay him for it, to cut down the trees which were said to belong to the king.

The surveyor thereupon preferred his memorial to the governor and council, justifying himself in the discharge of his trust, and complaining of Mr. Cooke, one of the members of the council, for officiously concerning himself with the affairs of the surveyor's office, and obstructing his measures for the service of the crown. Mr. Cooke had many friends in the house ready to support him, and this dispute was the beginning of the public controversy which continued until the end of colonel Shute's administration; parties were formed, new subjects for contention from time to time were furnished, until at length the governor was forced to leave the province.

I do not find any vote of council upon this memorial, but the governor espoused the cause of the surveyor; and, to shew his resentment against Mr. Cooke, when the list of counsellors was presented at the next election, directed

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* John Bridger came to New England by way of New York in 1698, in the same ship with lord Bellamont. He was commissioned, together with Benjamin Furzer, by the commissioners of the navy, to inquire into the state of the country and its capacity for producing naval stores, and they were to survey all the woods, not merely for masts, but for oak timber for ship-building, for trees for tar, pitch and turpentine, and for land suitable for hemp. There being no hopes of success from the other parts of the commission, it was soon confined to the preservation of masts, and, so far only, served as a precedent for succeeding surveyors of the woods.

his speech to him in particular, and let him know he would excuse him from attending at the board for the ensuing year.*

Mr. Cooke soon after presented his memorial to the council, in which he justified his own conduct, and charged Mr. Bridger with “using his utmost efforts to invade the rights and properties of the people in the province of Maine by his exorbitant actions, as well as basely betraying the trust the crown had invested him with, by daily felling and bartering the very logs and timber which he gave out was the king’s, his master, whose bread he then ate.” The council suffered the memorial to lay upon their table, but acted nothing upon it. Afterwards, upon the appointment of a committee by the house, they joined a committee of council to consider in general of Mr. Bridger’s conduct. This committee, in their report, justified Mr. Cooke, and condemned the proceedings of the surveyor. The council put off the consideration of this report also, but the house voted their acceptance of it. The governor, of course, transmitted to the board of trade an account of all these proceedings, and very soon received

* The form of proceeding has always been for a committee of the house to lay before the governor a list of the counsellors elect, upon which he signifies his consent or refusal, and sends back the list by the secretary, which is read in council and then in the house.

In the month of April, 1717, a pirate ship, the Whidah, of twenty-three guns and one hundred and thirty men, Samuel Bellamy, commander, ventured upon the coast of New England near to Cape Cod, and after having taken several vessels, seven of the pirates were put on board one of them, who soon got drunk and went to sleep. The master of the vessel which had been taken run her ashore upon the back of the Cape, and the seven men were secured. Soon after, the pirate ship in a storm was forced ashore near the table land, and the whole crew, except one Englishman and one Indian, were drowned. Six of the company, upon trial by a special court of admiralty, were pronounced guilty and executed at Boston, November 15th.

The year 1717 was remarkable for a greater mortality among aged people than had at any time been known. Five of the council died within the compass of a year, all of them well esteemed. John Hawthorn at Salem, May 10th, aged 76. Andrew Belcher, October 31st, aged 71. Wait Winthrop, November 7th, aged 76. Elisha Hutchinson, December 10th, aged 77; and Eliakim Hutchinson, April 22, aged 78. The last four of Boston. Henry Dering and his wife, in one grave, and another inhabitant of Boston, Robert Winsor, and his wife, in another, were buried the same evening, all above 70.

The famous Indian warrior, Benjamin Church, who had escaped the enemy’s bullets in a great number of encounters when in the most imminent hazard, met death this year by a fall from his horse, at the age of 78.

Mr. Woodward, secretary of the province, tired of a post of much labour and little emolument, disposed of it to Josiah Willard, esquire, who obtained the royal commission, and arrived at Boston from London December the 12th.

ed an answer, censuring the house of representatives for countenancing and encouraging Mr. Cooke. This being laid before the house, they by a vote declared that the censure of the board of trade was occasioned “by sending home the papers on one side only, whereby their lordships were informed *ex parte.*” The house had avoided any direct attack upon the governor until this vote, many of the principal members this year being well affected to him; but the party without doors, especially in Boston, had been increasing against him, and at the next election for that town, they sent all new members,* and a change was made in many other towns, unfavourable to the governor’s interest.

The famous projector, captain Coram, in the year 1718, was busy in a scheme for settling Nova Scotia and the lands between Nova Scotia and the province of Maine, and a petition was preferred by sir Alexander Cairnes, James Douglass and Joshua Gee, in behalf of themselves and others, praying for a grant upon the sea-coast five leagues south-west and five leagues north-east of Chibucto harbour, where they proposed to build a town, and to improve the country round it in raising hemp, in making pitch, tar and turpentine; and they undertook to settle a certain number of families to consist of two hundred persons in three years, the rest of his majesty’s subjects not to be prohibited fishing on the coasts under regulations. To this petition Mr. Dummer, the Massachusetts agent, objected, because of the last clause, which laid a restraint upon the fishery. The lords of trade, however, reported in favour of it, but it stopped in council.

Another petition was preferred by William Armstrong and others who had been officers and soldiers in the army, “praying for a grant of the lands between Nova Scotia and the province of Maine, the said tract of land having been conquered by the French in 1696 and possessed by them until 1710, when it was recovered by the English, and, by the treaty of Utrecht, was with Nova Scotia given up by France to the British crown.” The conquest in 1696 was the taking Pemaquid fort, and hold-

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* Elisha Cooke, Oliver Noyes, Isaiah Tay, and William Clark.

ing possession of the harbour two or three days. This, however, was made a serious affair, and the agent, Mr. Dummer, was several times heard before the lords of trade. The general court being restrained from conveying these lands without consent of the crown, it was proposed, that if they would consent to resign the jurisdiction between Kennebeck and Penobscot, the crown should confirm the property of the soil; but upon the proposal's being communicated to the court they instructed their agent to make no concessions.

One Sarah Watts, setting forth that she was heir at law to Thomas Goffe, deputy governor and one of the twenty-six patentees of the old colony, claimed a twenty-sixth part of the colony, and the issues and profits for eighty or ninety years. She filed a bill of complaint in chancery against the province, and there was a commission of sequestration for several New England ships in the river, which cost the owners several guineas each, to the sharpers who had urged the woman to the suit. The agent was required to answer the bill, which he did by declaring that if the complainant could make it appear that Thomas Goffe was once seized of a twenty-sixth part of the colony, and that she was heir at law to him, which he did not believe she was able to do, yet he verily believed that when the patentees, with others, were incorporated into a body politic, their respective rights ceased and passed to the corporation, who had granted the lands away. The poor woman was at last arrested for debt and sent to Newgate, where she perished.

The governor, in the beginning of the year 1718, had consented to an impost bill which laid a duty not only upon West-India goods, wines, &c. but also upon English manufactures, and a duty of tonnage upon English ships. Before the session in May, the next year, he had received an instruction from the king to give all encouragement to the manufactures of Great Britain. The house, however, passed a bill of the same tenor with that of last year,* and sent it to the council for their concurrence. An amendment

* The house never passes an impost bill or bill for the general tax for the support of government for a longer term than one year.

amendment was proposed, viz. to leave out the duty upon English vessels and goods, but the house adhered to their bill. A conference ensued, for the house were not then so exact as they have been since in refusing to confer upon money bills. This produced nothing more than a proposal from the house to alter the word *English* to *European*, which, being trivial, was refused. It seems the governor, a little out of time, had taken the opinion of the council upon this question, whether, consistent with his instruction, he could give his consent to the bill, which they determined he could not, if it should be offered to him. The house then tried the council with the following resolve ; “ The house insist on their vote, forasmuch as the royal charter of this province gives power to the government to impose and levy proportionable and reasonable assessments, rates and taxes upon the estates and persons of all and every the proprietors and inhabitants of the same, which this government has been in the free and uninterrupted exercise of ever since the enjoyment of the said charter. Sent to the *upper house* for their concurrence.” The *upper house* was a new name for the council, and designed as a flea, and to intimate that they might consider themselves in another capacity than as a privy council.* Perhaps if Cromwell’s epithet for his house of lords had come into their minds, it would have been *the other house*. Taunts and language which tend to irritate can upon no occasion be justifiable from one branch of the legislature to the other. Upon an agreement and harmony the interest of the people depends. Upon different apprehensions of this interest, if it be the real object, the several branches, by the persuasive voice of reason, will strive to convince each other, and be willing to be convinced as truth shall appear.

The council thought themselves unkindly treated, and by a message desired the house to alter their vote ; but they refused to do it, and gave their reasons for the new form. “ The house have received new and unusual treatment

* Whatever the ill is, the *upper house* is the cause of it, that being the true name of it ; a grand jury being peers as well as they. *Mr. Vaughan in Grey’s debates of the house of commons.*

ment from the board. 1st. It is new and unusual for the council to give his excellency their advice upon a bill, till they have acted in concert with the house in concurring or non-concurring. 2d. It is likewise new and unusual for the council to desire a free conference upon a subject matter, and then, at the management, to inform the house that by a previous vote they had so far engaged themselves that they could not recede from it. 3d. It is likewise a new and unusual method for the honourable board, after a message to the house desiring several amendments to a bill of rates and duties which were in a great measure agreed to by the house, immediately to non-concur the bill. 4th. It is likewise new and unusual for the honourable board to intermeddle so much with the grants and funds, which this house take to be their peculiar province."

The house having in this manner expressed their resentment returned to their old style, and then the council, by message, let them know that they would not give their concurrence to any bill laying a duty upon European goods, denied the charge made against them by the house, of innovations, and intimated that any further messages would only tend to increase the misunderstanding and retard the affairs of the government, and desired the house rather to join with them in a diligent endeavour to bring the session to such a conclusion as should promote his majesty's honour and the interest of the province.

Several weeks having been spent in these altercations, the governor thought it time to interpose, and, sending for the house to the council chamber, he made the following mild and healing speech to them.—

"Gentlemen,

" MY design in sending for you up at this time, is to let you know how concerned I am at the unhappy misunderstandings that have been for many years between the council and your house relating to the impost bill, and to assure you that no person here present can be more desirous of preserving the privileges of this people than myself, so far as is consistent with the late instructions I have received

ceived from my royal master, which have by his special direction been laid before this court. I am fully persuaded, that to act any way contrary thereto, after the many debates and votes which have been upon that head, would rather destroy than preserve those privileges we justly prize. Gentlemen, I desire your serious consideration of what I have hinted, that so the important affairs of the province yet lying before you may have a speedy and happy conclusion."

This speech which, a year or two after, when the prejudices against the governor were at the height, would have been excepted to as irregular and anticipating matters, which it would have been time enough for the governor to have declared his sense of when they came to be laid before him, had now a good effect, and the house the same day resolved that a new impost bill should be brought in, and that the controverted clause in the former bill should be left out; but in the preamble to their resolve they make a heavy charge against the council for not concurring their former bill.—

" WHEREAS this house have voted and passed a bill granting to his majesty several rates and duties of impost and tonnage of shipping, in which was included one per cent. on European merchandize, for which article or clause the honourable council have several times non-concurred the said bill, notwithstanding all proper endeavours have been used by this house to attain the same which have hitherto proved fruitless, whereby a considerable part of the revenue which would have accrued to this province is for this present session foregone, which also tends to the depriving this government of their just rights, powers and privileges granted by the royal charter; Resolved," &c.

The council were fond of peace, and as soon as this resolve came to their knowledge, they sent a message to the house desiring they would not print the resolve in their votes, as it would have an ill effect, and would oblige the council in their own vindication to reply, although they wished that all controversy between the two houses might cease.

cease. The house printed it notwithstanding, and the next day the council sent the following answer.—

“THE board are very much concerned to find, among the votes of the honourable house, a declaration as if the council in non-concurring the bill of impost as it was first framed, had done that whereby a considerable part of the revenue which would have accrued to this province is for this present session foregone, which also tends to the depriving this government of their just rights, powers and privileges granted by the royal charter.

“This declaration contains or implies such a charge as the council can by no means suffer themselves to lie under, without asserting and solemnly declaring their integrity ; and they are more surprised at the imputation of doing a thing which tends to deprive this government of their just rights, powers and privileges granted by the royal charter, because on the 23d current the board sent down a message to the honourable house, ‘that they were always ready and desirous to concur with the honourable house of representatives in such proposals relating to an impost as may not tend to alter or expose our present happy constitution under the royal charter ;’ so that it was from a sincere and just regard to the rights, powers and privileges of this government, granted by the royal charter, that the council chose rather to omit the duty of one per cent. on English goods for this session.

“That the council apprehended the duty of one per cent. on English goods affected the trade of Great Britain, and so came within the meaning of his majesty’s late additional instruction, is certain ; and, being of that opinion, it would have been inconsistent for the board to concur the bill of impost as it was sent up. However, they can boldly and truly say, they have acted from a principle of duty to his majesty, love and fidelity to their country, and have nothing more at heart than the just, wise and careful preservation of those invaluable rights, powers and privileges granted by the royal charter, which God long continue.”

This controversy being over, the court was prorogued.
Before

Before the next sessions in November, the governor received a reprimand from the lords justices, the king being absent, for consenting to the duty on English goods, &c. by the impost act in 1718. This he laid before the court. The same house, which had so long contended with the council the session before for this clause in the bill, now "readily acknowledge the exceptions taken to it are just and reasonable." An instruction to the governor to support the surveyor of the woods in the execution of his office, which was communicated to the house at the same time, was not so favourably received; and in an answer or remonstrance occasioned by the governor's speech, they charge the surveyor with instances of very gross mal-conduct. What evidence they had of it does not now fully appear. The governor, by a message, desired they would not print their remonstrance. They sent a committee to acquaint him, they must insist upon the right they had to make it public. He made a very great mistake, and told the committee that his majesty had given him the power of the press and he would not suffer it to be printed. This doctrine would have done well enough in the reigns of the Stuarts: in the present age it is justly exceptionable; although by the liberty of the press we are not to understand a liberty of printing every thing, however criminal, with impunity. The house had no opportunity to take notice of this declaration. Upon another occasion they let him know they had not forgot it. The governor was so displeased with the proceedings of the house, that he put an end to the session, and they never met again.

We are now arrived to the memorable year 1720. The contests and dissensions in the government rose to a greater height than they had done since the religious feuds in the years 1636 and 1637.

The public affairs in general were in a very indifferent state. The Indians upon the eastern frontiers were continually insulting and menacing the English inhabitants, so that but little progress had been made in settling the country since the peace; and this year most of the settlements

ments which had been begun were deserted, and a new war was every day expected.

The trade of the province declined. There was a general cry for want of money, and yet the bills of credit, which were the only money, were daily depreciating. The depreciation was grievous to all creditors, but particularly distressing to the clergy and other salary men, to widows and orphans whose estates consisted of money at interest, perhaps just enough to support them, and being reduced to one half the former value, they found themselves on a sudden in a state of poverty and want. Executors and administrators, and all who were possessed of the effects of others in trust, had a strong temptation to retain them. The influence a bad currency has upon the morals of the people is greater than is generally imagined. Numbers of schemes, for private and public emissions of bills, were proposed as remedies, the only effectual one, the utter abolition of the bills, was omitted.

By these calamities, the minds of the people were prepared for impressions from pamphlets, courants, and other news-papers, which were frequently published, in order to convince them that their civil liberties and privileges were struck at, and that a general union was necessary. These did not pass without answers, attributing all the distress in public affairs to the wrath and resentment, the arts and sinister views of a few particular persons; but the voice of the people in general was against the governor. In our mother country, when disputes arise between the branches of the legislature upon their respective rights, parties are formed and the body of the people are divided; for in a well-constituted government it is of importance to the people that the share even of the popular part of the constitution should not be unduly raised to the suppression of the monarchical or aristocratical parts. From a regard to the common interest, therefore, in a dispute concerning prerogative and privilege, the people ordinarily are divided in sentiment. The reason is obvious why it is less frequently so in a colony. There, the people in general consider the prerogative as an interest, without them, separate and distinct from the interior interest of the

the colony. This takes their attention from the just proportion of weight due to each branch in the constitution, and causes a bias in favour of the popular part. For the same reason, men fond of popular applause are more sure of success with less degree of art in a colony, than in a State not so connected, and consequently, men who with unbiased judgments discern and have virtue enough to pursue the real interest of their country, are more likely to be reproached and vilified.

The first act of the house of representatives was the choice of Mr. Cooke for their speaker. A committee was sent to the governor, at his house, to acquaint him with the choice. They reported, at their return, that his excellency said, "It was very well." In the afternoon, the governor being in council sent the secretary to acquaint the house that he was now in the chair, and ready to receive their message respecting the choice of a speaker. They sent back an answer that his excellency, upon being informed of the choice in the morning, had said "It was very well," and they had recorded his answer in the books of the house. The governor replied, that he would receive no message from the house but when he was in the chair.* The house then proposed by message to the council, to join with them in the business of the day, the choice of counsellors; but upon the governor's telling their committee, who carried up the message, that no election should be made until he was acquainted who was chosen speaker, the house sent a new committee to acquaint him with the choice they had made. The governor replied to this committee, that Mr. Cooke had treated him ill as the king's governor, and therefore, according to the power given him by the royal charter, he negatived the choice, and desired they would proceed to choose another person. They sent back their answer, that they had chosen a speaker, according to their known and legal privileges, and therefore insisted upon the choice; and at the same time they renewed their motion to the council to join with them in the election. The governor told the

* The journal of the house adds, "and that he had received no such message from the house, and given no such answer;" but the general court's records take no notice of this.

the committee, that he had received a message from the house, acquainting him with the choice they had made of a speaker, which choice had been negatived, and he was no speaker. Upon this, the house sent their committee to the board to acquaint them, that two messages having been sent to propose to the board to join in the choice of counsellors and no answer having been given, they now desired to know whether the board would join in the election or not.

If there had been any further delay on the part of the board, it is very probable the house would have proceeded without them, which must have increased the perplexity. The governor, therefore, left the board, having first charged the secretary with the following message to the house :—

“ His excellency orders me to acquaint you, he is informed that governor Dudley did, in the time of his government, disallow of a speaker chosen by the house, and that his proceedings therein were approved by the commissioners of trade and plantations, and that he was thereupon directed by the said commissioners to acquaint the council, that it would not be thought fit that her majesty’s right of having a negative upon the choice of a speaker be given up, which was reserved to her majesty, as well by the charter as by the constitution of England.”

Notwithstanding the warm disputes in the preceding year between the two houses, only one new counsellor was chosen, John Burrill, esquire,* of Lynn, who had been many years speaker of the house, but this year was sent to the board, in the room of Mr. Higginson. The house had been as fond of this Mr. Burrill as of their eyes. His temperate spirit, until now, had engaged the whole house in his favour, and from year to year procured him a general

* This Mr. Burrill bore a very fair character. I have often heard his contemporaries applaud him for his great integrity, his acquaintance with parliamentary forms, the dignity and authority with which he filled the chair, the order and decorum he maintained in the debates of the house, his self-denial in remaining in the house, from year to year, when he might have been chosen into the council, and few others, who called him their father, sent there before him; to say a great deal of him in one word, there was as much likeness in his character to that of the right honourable person who so many years filled the chair in the house of commons with such applause, as well can be between small and great. Mr. Burrill died of the small-pox at Lynn, December 10th, 1721.

eral vote; but this year the house were willing to part with him for a gentleman obnoxious to the governor, which measure, it was easy to foresee, must give a further occasion of controversy.

Two of the new elected counsellors were negatived, Nathanael Byfield, who had been soliciting in England for the government when colonel Shute was appointed, and John Clark, who was a person of many valuable qualities, and obnoxious only for being strongly attached to Mr. Cooke, and having been a great supporter of the cause.

After the election, the governor made a further attempt to bring the house to a compliance by the following speech.

“Gentlemen,

“AT the opening of this session you thought fit to make choice of Elisha Cooke, esquire, for your speaker, and upon your reporting of it to me, I did declare my dis-acceptance of that election, and am firm in my opinion that I had good right so to do, by virtue of his majesty’s commission and the powers reserved by the royal charter; and am also confirmed in it, by what I find transacted by the late governor Dudley during his administration, and also by the opinion of the right honourable the lords of trade and plantations in that matter. I must further observe to you, that the person you have chosen had invaded the king my master’s rights in the woods of the province of Maine, though confirmed to his majesty by an act of the British parliament; and I have received the thanks of the right honourable the lords of trade and plantations for removing him out of the council. He has ill treated me, who am the king’s governor, and has been censured by the council for it, which stands upon record in the council books.* How acceptable this matter will be at home, considering the warning we have lately had from the court of Great Britain upon the account of passing the impost bill, will be worthy of your serious reflection. These things I thought necessary to acquaint you with, and advise you to return to your house and choose some other person speaker, with a reservation of your own rights,

* The council books from the charter were burnt in the court house in the year 1747, and this censure does not appear any where but in this speech.

rights, until you shall send to the court of Great Britain for the explanation of that part of your charter, relating to the affair of a speaker."

The house, immediately upon their return to their chamber, entered into a debate upon this speech, and the question being put, whether, for the reasons assigned by his excellency, the house will proceed to the choice of a new speaker, it passed in the negative, *nemine contradicente*.

The governor gave them no opportunity to proceed on any other business, for the next day he sent for them up again, and after another short speech dissolved the court.

"Gentlemen,

"OUT of a tender regard I have for the welfare of this province, I shall give you the following advice before we part; that when it shall please God we meet again in a general assembly, which shall be as soon as possible, you will not let this province suffer by the perverse temper of a particular person, but that you will choose one for a speaker that has no other view but that of the public good, one that fears God and honours the king. It is irksome and disagreeable to me to dissolve an assembly, but as matters now stand I am forced to do it, or must give up the king my master's prerogative, which nothing shall ever oblige me to do, who am the king's governor. Gentlemen, I do not think it for the honour of his majesty's government that this assembly should sit any longer, and therefore I shall dissolve you."*

Writs were issued for a new assembly, to meet the 13th of July. The governor had no great reason to hope for a more favourable house. The people in general thought their privileges were attacked. The charter indeed was silent upon this point. In a dispute between the crown and the house of commons in the reign of king Charles the 11^d. an expedient was found which seemed to avoid the acknowledgment of the right of the crown to refuse a speaker; but a provincial law was principally relied upon, which declares, "that the representatives assembled in any great and general court shall be the sole judges of the elections

* Neither of these speeches are printed in the journal of the house. The charges upon their speaker seem to have been the reason.

elections and qualifications of their own members, and may from time to time settle, order and purge their own house, and make such necessary orders for the due regulation thereof as they shall see occasion." Whether the legislators had in contemplation the right of the house to choose a speaker, exempt from the governor's negative, might well be questioned, but it was urged that the due regulation of the house might very well include this right.

The towns in general sent the former members. Boston discovered how they stood affected by leaving out Mr. Tay, who was one of those persons who serve upon a pinch, when a favourite cannot be carried by a party, to stop the gap and prevent an opposite candidate, and he came in several times upon such occasions. In his room, the town now chose Mr. Clark, the negatived counsellor.

The house was willing to sit and do business, which the choice of the former speaker would have prevented. They therefore pitched upon a person less attached to party, Timothy Lindall, one of the representatives of Salem, to whom no exception was taken. The governor in his speech recommended a peaceable session, but the house could not forget the late dissolution. They began with a warm message or remonstrance to the governor, in which they tell him—"The last assembly took no great pleasure in being dissolved, before they had gone through the usual necessary business; their asserting and maintaining their just right and ancient privilege of choosing their speaker, and not owning his excellency's power to negative him, was nothing but what they were strictly obliged to; and the new house are humbly of opinion, that whoever was of advice to his excellency in the matter, did not consult his majesty's interest, nor the public weal and quiet of the government, but officiously endeavoured to beget unhappy misunderstandings between his excellency and the house, and break off that desirable harmony which every one ought to keep up. We earnestly hope and desire the province may never have an assembly, that will willingly forego such a valuable privilege as king William and queen Mary of ever-blessed memory graciously favoured

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the province with, when they gave their royal assent to a law directing and governing that affair.”*

All the subsequent proceedings of this short session shew how much the house was out of temper. An Indian war used to be universally dreaded. To prevent it, the governor and council had been treating with three of the Penobscot tribe, who were sent for or came to Boston, and the house were desired to make a grant for a present to them, but by a vote they refused to do it. Some time after, they ordered a small sum, ten pounds only. To the controversy with the governor, and the opposition made to the proposals which came from him, the war which soon after broke out was by the governor’s friends attributed.

There had been no public notaries in the province, except such as derived their authority from the archbishop of Canterbury. The house now first observed, that a notary public was a civil officer, which by the charter was to be chosen by the general court, and sent a message desiring the council to join with the house in the choice of such an officer in each port of the province. To all instruments which were sent abroad, not only the attestation of the notary himself would be necessary, but a certificate under the province seal, to shew the authority to attest; the council therefore took time to consider of the expediency of appointing such an officer, and referred the matter to the next session,† but the house immediately proceeded and chose the officers by their own votes. The arguments to prove that an officer to be chosen by the whole court could derive an authority from the majority of the members of the house of representatives, have not been preserved.‡

Being

* In this controversy the house seem to have misapprehended their own cause, and to have laid most stress upon the weakest argument. The analogy between the governor and a provincial house of representatives, and the king and the commons of Great Britain, they leave out of the question. By charter, or commissions, the form of government is settled, the governor representing the king’s person, the lower house representing the people. I see no arrogance, whatever disproportion there may be between Britain and her colonies, in supposing an analogy between the constitutions, except where peculiar rights or powers are otherwise settled in the respective branches.

† As a public notary in the several ports was judged to be a necessary officer, the council afterwards concurred with the house, and a choice has been ever since annually made by the general court.

‡ They sent a message the next day to the governor, to desire him to approve of the choice, but he gave them for answer, that as the council did not join he did not see how they could be sworn.

Being offended with the council, the house sent a message, desiring, "that considering the low circumstances of the province, no draught be made upon the treasury for expences at times of public rejoicing * for the future."

It had been usual to make a grant to the governor for the salary of half the year, at the beginning of the session. The house deferred it until the close, and then reduced it from six to five hundred pounds, although the currency was depreciated. To the lieutenant governor, they used to make a present once a year never less than fifty pounds; they now reduced it to thirty-five. Mr. Dummer had so much spirit, that he inclosed the vote in a letter to the speaker, acquainting him that "having the honour to bear the king's commission for lieutenant governor of the province, and having been annually more than fifty pounds out of pocket, in that service, he did not think it for his honour to accept of their grant."

The governor took no public notice of the proceedings of the house. On the 23d of July he put an end to the session.

During the recess of the court (August 7th) a party of the eastern Indians fell upon Canso, within the province of Nova Scotia, but peopled every summer from Massachusetts. The Indians surprised the English in their beds, and stripped them of every thing, telling them they came to carry away what they could find upon their own land. Three or four of the English were killed. Some of the French of Cape Breton were in confederacy, and came with their vessels the next night, and carried off the plunder, together with about two thousand quintals of fish. The English vessels in the harbour were not attempted. A sloop happening to arrive the next day, the master offered his service to go out and make reprisals, and being furnished with a number of men and two or three smaller vessels for his consorts, for want of more ample authority, he took a commission from one Thomas Richards, a Canso justice, and went after the French and soon brought in six or seven small fishing vessels,

veffels, having all of them more or less of the English property aboard.

Mr. Henshaw, of Boston, a principal merchant at Canso, went to Louisbourg with a complaint to the French governor, who excused himself from intermeddling, the Indians not being French subjects, nor under his control. The French prisoners were sent to Annapolis-royal. The loss sustained by the English was estimated at twenty thousand pounds currency.

The fears of the people in the eastern parts of Massachusetts were increased by this stroke upon Canso. In a short time after, the cattle were destroyed, and the lives of the owners threatened. The governor was still desirous of preserving peace, and by the advice of council sent orders to colonel Walton, the commanding officer of such forces as upon the alarm had been sent there, to inform the Indians, that commissioners should be sent to treat with them. The Indians liked the proposal and promised to attend the treaty.

Before the time appointed, the general court met,* and the house passed a resolve, "that one hundred and fifty effective men, under suitable officers, be forthwith ordered to march up to Norridgewock, and compel the Indians that shall be found there, or in other those parts, to make full satisfaction for the damage they have done the English, by killing their swine and sheep or carrying them away, or stealing provisions, clothing, or any other way wronging them. And that a warrant be directed to captain John Leighton, high-sheriff of the county of York, who is to accompany the forces, for the apprehending and safe bringing Mr. Rallé to Boston, who is at present resident at or near Norridgewock in Kennebeck river in this province; and, if he be not to be found, that then the sheriff direct and command the Indians there, or in the parts adjacent, to bring in and surrender up the Jesuit to him the sheriff; and, upon their refusal to comply with either of the said demands, that the commanding officer is to take the best and most effectual way to apprehend and secure the Indians so refusing, and safe conduct them to Boston."

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* Nov. 2d.

The governor looked upon this resolve to be, in effect, a declaration of war, and an invasion of the prerogative; it necessarily prevented a treaty he had agreed to hold with the Indians, and a new war must be the consequence of such a measure. The council were fond of peace, and when the resolve was sent to them for concurrence, they rejected it. The house were less averse to war. The charge of carrying it on, it was said, would be no burden to the province; the French now durst not join the Indians, and this would be the most favourable opportunity which could be expected to subdue or utterly extirpate them. That the charge should be no burden seems to be a paradox, but a wild opinion had filled the minds of great part of the people of the province, that if bills of credit could be issued, the advantage to trade would be so great, that the taxes by which, at distant periods, they were to be drawn in again, would not be felt. Many schemes of public expense were projected, and, among the rest, a bridge over Charles-river broader and much deeper than the Thames at London or Westminster.

I shall take no pleasure in relating the proceedings of the general court in this and the two next years. The best excuse I can make for the house is, that the attempt made to deprive them of the exclusive right of choosing their own speaker, was deemed by them a grievance; that the royal governments insist upon this right, and there was nothing in Massachusetts charter which took it from them; that this attempt raised in their minds a jealousy of a design against their privileges in general, and, in this state of mind, they were more easily prevailed upon by their principal directors, whose principal views were to distress the governor, to agree to such measures as under other circumstances they must have disapproved. The rule, perhaps, holds stronger with political bodies than with individuals, that when just bounds are once exceeded, the second step is as easy as the first, and so on, until at length they are drawn by degrees to such excesses as, *per saltum*, they would have been incapable of.

The public records of the general court are always open to the inspection of any of the members, but, that

the house might have them under their more immediate view and charge, they passed a vote, that the secretary should make duplicates of all public records, and that one set should be lodged in such place as the house should appoint. The council, willing to have duplicates for greater security, concurred with an amendment, viz. in such place as the general assembly should direct; but this amendment the house rejected.

The house, finding the council a bar to their attempts, resolved, in one instance, to act by themselves. There was a complaint or suggestion, that false musters were made by some of the officers in the pay of the province. The house taking the affair into consideration, resolved, "that one or more meet persons be appointed by this house, clerk of the check, who shall, from time to time, have an inspection into the forts, garrisons and forces, and take care that every one have their complement of men; and the better to enable them to execute the trust reposed in them, that when and so often as they shall see reason, the commanders of the forts, garrisons and captains of any of the companies, in the pay of this government, shall call forth their men before them, and if any do not appear, the commanding officer to give the reason of such absent men, and that no muster-roll shall be accepted and paid by the treasurer, unless approved of by the clerk of the check." The governor did not intend to admit this officer, appointed by the house, into the forts, garrisons, &c. which by the charter the crown had reserved to the governor, but he kept silent.

To another act of the house the council took exception. A message was sent by the house to the council to let them know they had appointed a committee to prepare a bill for levying soldiers, "taking it to be their peculiar care." Lest it should be understood that this was to exclude the council from concurring or non-concurring such bill, or from advising to the levying soldiers upon an emergency in the recess of the court, the council desired the house to withdraw those words, "taking it to be their peculiar care," which they agreed to.

At this session, the house again withheld one hundred pounds from the governor's usual half year's salary. He had

had passed it over without notice before, but now he thought it proper to lay before them a royal instruction to recommend to the assembly to establish a sufficient allowance for him by a fixed salary. They sent him a reply, "that they humbly conceived what was granted him was an honourable allowance, and the affair of settling salaries being a matter of great weight and wholly new to the house and many of the members absent, they did not think it proper to enter upon the consideration of it, but desired the court might rise." The governor complied with their request.* At

* The Massachusetts province afforded subject for some part of the madness of the people of England in this remarkable year. Waste lands have an imaginary value set upon them, sometimes higher, sometimes lower, and continually afford subject for bubbles among ourselves. Mr. Dummer raised a bubble from the eastern lands, but had not time for any very great success.

"It remains now that I give an account to the general court of a very considerable undertaking which I set on foot, and have been carrying on for several months past, in hopes to procure thereby many great advantages to the province. I have projected a scheme to raise hemp and flax in the eastern frontiers of the province of Maine for the supply of this kingdom. In order to accomplish this design, I proposed that the lands between St. Croix and Penobscot should be granted to the undertakers and their assigns by the crown, and that they should also have a charter of incorporation, with all reasonable privileges and advantages allowed them.

"I set myself heartily to work, and, that I might lay a good foundation, I chose seventeen managers for carrying it on, who are all persons of great distinction, and attend diligently upon the business at every meeting. My lord Barrington is one, and colonel Bladen of the board of trade is another, and alderman Bailis, a commissioner of the customs, is a third. The rest are either men of note and figure in parliament, as Mr. Young, first commissioner for stating the accounts of the army, or eminent citizens, as sir Justus Beck, who is one of the greatest merchants in the kingdom. Being thus strong, I had no reason to take notice of Coram and friends, or to have any apprehensions of what they were doing or capable of doing against me, yet, for quietness' sake, I sent them word that, if they would withdraw their petition and give me no more trouble, they should find an account of profit from this undertaking beyond what they could ever expect if it were to be under their own conduct. Coram immediately submitted to my petition, but when he afterwards was told that I had left out of my petition the tract of land between Kennebeck and Penobscot, he ran about in a mad rage, declaring he would rather starve than come into it, and that the whole design was only a trick in me to save that fine country for the villainous people of New England. I have therefore since treated and agreed with his partners and patrons by whose interest he was supported, so that Coram is now entirely dropped, and I have no opposition.

"Nevertheless, it is the opinion of the managers to rest a little till the ministry has quelled the great number of companies that are erected every day in defiance of the late act of parliament, and are so offensive to the government, that the best scheme in the world would suffer some disgrace by appearing at this time. I have only to add, that I have reserved twenty thousand pounds of the subscription for the use and benefit of the province, which, when the time comes, I will put in the name of proper trustees for that end." — *Dummer's letter, Sept. 17, 1720.*

The time never came for appointing trustees for the province. The great bubble was breaking, which no doubt inclined the managers of this small one to slop a little. The capital was to be one hundred thousand pounds sterling. Query, whether there are no bubbles rising in England, from the waste lands of America, at this day?

At the opening the next session (March 15th) the governor in his speech recommended measures to prevent the depreciation of the currency, to suppress a trade carried on with the French at Cape Breton, and to punish the authors of factious and seditious papers, to provide a present for the Five Nations, and to enlarge his salary.

They refused, directly or virtually, every proposal. To the first the house tell him, in their answer, "they had passed a bill for issuing one hundred thousand pounds more in bills of credit."* This alone had a direct tendency to increase the mischief; but they add, that "to prevent their depreciation they had prohibited the buying, selling and bartering silver, at any higher rates than set by act of parliament." This certainly could have no tendency to lessen it. Such an act can no more be executed than an act to stop the ebbing and flowing of the sea. It would probably carry away and keep out all silver and gold. The depreciation of their currency would, notwithstanding, have been as visible by the rise of exchange with foreign countries, and have been as sensibly felt by every creditor among themselves. To his other proposals they say, "they know of no trade carried on by any people of the province with Cape Breton, and do not think any law to prevent a trade there is necessary; and for seditious and scandalous papers, the best way to suppress or prevent them is, for the executive part of the government to bring the authors to condign punishment; and if proper measures had been taken to discover and

punish

* Fifty thousand pounds had been issued the last year, 1720, and distributed to the several towns in proportion to their taxes, the bills to be repaid at a limited time; and the governor seemed to approve of and encourage this way of issuing bills at his first arrival, but was afterwards convinced of their mischievous effects. Having about this time received an instruction laying him under a restraint in issuing bills of credit except for necessary charges, unless by such acts or orders as should not have effect until his majesty's pleasure was known, he chose to found his objection to the bill upon his instruction.

This instruction was not occasioned by the bad effect of bills upon the currency, as later instructions and acts of parliament have been, but by a complaint from merchants trading to New York of an act of assembly there for issuing bills equal to forty thousand ounces of plate, which were all applied to the governor as a gratuity over and above his stated salary, to the council for pretended services at the revolution near thirty years before, and to the house of representatives for their services. After the bills were in private hands, to revoke the act would work injustice, but to prevent such acts in any colony for the future, circular instructions were ordered to the several governors.

punish the authors of a libel, called, *News from Robinson Crusoe's island*, wherein the members of the house are grossly reflected upon, few or none would have dared afterwards to publish any thing of that nature or tendency; but to suffer no books to be printed without license from the governor will be attended with innumerable inconveniences and danger.* As to the Five Nations, the house do not know enough of their number, nor what the other governments intend to give, and therefore cannot judge what is proper for them to do; and for the allowance to the governor, they think it as much as the honour and service of the government calls for, and believe the inhabitants of the several towns through the province are of the same mind.”

There never had been an instance of any governor's refusing or neglecting, at the beginning of the year, to appoint a fast, in conformity to the practice of the country, but the house now endeavoured to anticipate the governor, and appointed a committee to join with a committee of council to prepare a proclamation for a public fast. The council refused to join, and acquainted the house they could find no precedent; but the house replied, that if such days had not the sanction of the whole court, people would not be liable to punishment for working or playing. The governor, willing to conform to the house so far as would consist with maintaining his right of issuing proclamations, mentioned in the proclamation which he soon after published, that the appointment was by advice of council and upon a motion from the house of representatives; but the house refused to meet him, and declared they had never made any such motion, and ordered that no members of the house should carry any proclamations to their towns, for the present. The day was, however, observed as usual, except that one† of the representatives of Boston would not attend the public worship, but opened his ware-house as upon other days.

Certain persons had cut pine trees, upon that part of the province of Maine which had not been granted by the general

* This was a just return to the governor's declaration, that the king had given him the power of the pres.

† Mr. William Clark.

general court as private property. A deputy to the surveyor of the woods gave license to cut the trees, as belonging to the king. The house appointed a committee to join with a committee of council, which joint committee were to seize and secure, for the province, the same logs which had been cut by license. The council concurred with a “saving to his majesty all such rights as are reserved by the royal charter and acts of parliament to trees for the royal navy.”

The house desired this saving might be withdrawn, not that they apprehended the reservation made in the charter or the provision by act of parliament were of no force, but they alleged that the trees they designed to seize were cut by one deputed by the deputy of the surveyor of the woods, and cut, not for the royal navy, but for other uses, and therefore they did not come within reason of the reservation or provision.

Finally, upon the council’s refusing to join, the house appointed a committee of their own to seize the logs, and directed the attorney general to prosecute those who had trespassed and made spoil upon the province lands. After they were seized, the house again desired the council to concur a vote or order for securing and converting the logs to the benefit of the province. This, without any judicial determination, was still more irregular, and the council declined meddling with them.

As the time approached for issuing writs for a new assembly, the governor made the following speech to them before their dissolution.

“*Gentlemen of the house of representatives,*

“IN my speech at the beginning of this session, I gave you the reasons of my meeting you at this time. I have since received your answer, which I shall take care to transmit by the first conveyance, that his majesty may see, not only how his governor of this province is treated and supported, but what sort of regard is paid to his own royal instructions. I shall also lay before the right honourable the lords commissioners of trade and plantations, the bill for prohibiting a trade to Cape Breton, which I recommended to you several sessions, and which had twice the

the concurrence of his majesty's council, but was as often thrown out in your house, notwithstanding the message that accompanied that bill.

“ I am very much surprised you should refuse two other bills, which came down from the council, the one to prevent riots, the other to prohibit the making and publishing libels and scandalous pamphlets, the passing of which would, in my opinion, have tended both to the honour of the government and the public peace.

“ But what gives me the greatest concern is, that the proceedings of your house, with respect to the woods in the province of Maine, are directly contrary to the reservation of his majesty's right in the royal charter and an act of parliament, which were both set forth in my proclamation, dated the 1st of November, 1720, for preventing the destruction and spoil of his majesty's woods.

“ I could heartily wish, that instead of obliging me to make such representations to the lords of trade as I fear will not be to your advantage, you had acted with that calmness and moderation, which becomes the subjects of a prince who possesses those qualities in an eminent degree, and which becomes the representatives of a province, that, without any encroachment on the royal prerogative, enjoys as many and as high privileges as the greatest advocates for liberty can desire or expect.

“ I must therefore recommend to you a loyal and peaceable behaviour, and to lay aside those misunderstandings and animosities that of late prevail so much among you, which you will find to be your truest and best interest.”

Doctor Noyes, one of the representatives of Boston, died whilst the court was sitting (March 16th) after a short illness. He was very strongly attached to the popular party, and highly esteemed by them, was of a very humane obliging disposition, and in private life no man was more free from indelicacies. Mr. William Hutchinson who succeeded him was also a gentleman of a very fair character, sensible, virtuous, discreet, and of an independent fortune. He began his political life at a time when persons, thus qualified, were wanted for the service

of their country, to moderate the passions of those who were less temperate and who had the lead in the house. In general, he adhered to the popular party also, but lived but a little while. Longer experience might probably have convinced him, that he would have shewn his gratitude to his constituents more by endeavouring to convince them that they were running to an extreme, than by encouraging the same extremities himself.

The session of the general court in May, this year, began as unfavourably as any former session. The house chose for their speaker John Clarke, esquire, who the year before had been negatived by the governor as a counsellor. To prevent a negative, as speaker, they projected a new form of message directed to the governor and council jointly, to acquaint them "that John Clarke, esquire, is chosen speaker of the house, and is now sitting in the chair." This was undoubtedly a very extraordinary contempt of the governor. Mr. John White,* a gentleman of unspotted character, had been clerk of the house for many years. He was no zealous party man, but his most intimate friends, who esteemed him and sought his company for the sake of his valuable accomplishments, were strongly attached to the governor. This alone was enough to dismiss him, and Mr. William Payne, brother by marriage to Mr. Cooke, and who had formerly been of the bank party, was appointed clerk in his stead.

The governor was more wroth than upon any occasion before. He came to council in the afternoon, and sent immediately for the house, no doubt with an intent to dissolve the court. He had several faithful advisers about him, and whilst the house were preparing to come up, he sent a message to stop them, and to let them know he accepted their choice of a speaker. This was giving a construction to their message which they did not intend, and it was giving his consent before it was asked, but it was to be preferred to a dissolution; for a dissolution of the court, before the election of counsellors, according to the construction the house have sometimes put upon the charter, would have been a dissolution of the government for one

* He died before the year was out (Dec. 10) of the small-pox by inoculation.

one year at least, because the time mentioned for the first election was the last Wednesday in May. The counsellors named in the charter were to continue until others were chosen and appointed in their stead. I do not know of any words in the charter which would make the choice upon another day invalid, although that be the day more particularly designed for that business. The house shewed their resentment against the lieutenant governor and Mr. Belcher, who were both left out of the council. The rest were continued.

The next step was the appointing a committee to carry a list of the new elected counsellors to the governor; but the committee was not to desire his approbation, though this form had never been omitted in any one instance. The governor sent the list back and took notice of the omission. The house thereupon resolved, "that considering the small-pox was in Boston, and they were very desirous the court should be removed to Cambridge, they would send the list in the usual terms, saving their right to assert their privileges at a more convenient time." What privileges they had in their minds it is difficult now to discover. Surely they could not imagine the election would have been valid without his consent. The governor negatived colonel Byfield, the rest he consented to.*

The court was adjourned to Cambridge. The governor, in his speech, took no notice of past differences. All was fair and smooth, and all was fair in the house also the first fortnight; but on the 19th of June, the governor's speech at the dissolution of the last assembly was ordered to be read, and a committee was appointed "to vindicate the proceedings of the house from the insinuations made by the governor of their want of duty and loyalty to his majesty." This committee made a report, not in the form of an address or message to the governor, but of a narrative and justification of the proceedings of

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* An odd affair happened in the house, this sitting of the court. One of the members sat down in prayer time. The speaker, after prayers, asked him the reason of it. He said he could not join with them in calling God "our Father." The house immediately resolved, "that Philip Tabor be expelled this house as not worthy to continue a member thereof."

the last assembly, and the house accepted it and ordered it to be printed.

To vindicate the past proceedings about the pine trees, a full consideration was now had of the several acts of parliament, and the reservation to the crown in the province charter. The house did not deny a right in the crown to the trees, whilst they were standing and fit for masts, but supposed that, as soon as they were felled and cut into lengths fit for boards or timber only, the right of the crown ceased, and the owners of the soil recovered or acquired a new property in them. This, it was said, would render the provision made for the preservation of the trees, which at best is sufficient, to be of no effect, nothing being more easy than for the owners of the soil to procure the trees to be felled and cut into short logs, without possibility of discovery. However, they came to the following resolution, viz, "That inasmuch as a great number of pine trees have been cut in the province of Maine, which, when standing, were fit for masts for the royal navy, but are now cut into logs of about twenty feet in length, and 'although the cutting them should be allowed to be an infringement of his majesty's rights reserved in the charter,' yet in the condition they are now in, being no longer capable of being used for masts, it is lawful for and behoves this government to cause such logs to be seized and converted to their own use, and to bring the persons who cut down the trees to punishment." In consequence, and for the purposes of this resolve, a committee was appointed.

The reservation in the charter is in these words—"For the better providing and furnishing of masts for our royal navy, we do hereby reserve to us, our heirs and successors, all trees of the diameter of twenty-four inches, and upwards of twelve inches from the ground, growing upon any soil or tract of land not heretofore granted to private persons. And we restrain and forbid all persons whatsoever from felling, cutting or destroying any such trees without the royal license of us, our heirs and successors first had and obtained, upon penalty of forfeiting one hundred pounds sterling unto us, our heirs and successors, for every such tree."

It was said further upon this occasion, that although the crown reserved the trees and restrained all persons from cutting them, which the necessity of the trees for national use and service might be sufficient to justify, yet it was not equitable to take them without a valuable consideration. The crown had made an absolute grant of the province of Maine to Gorges, from whom Massachusetts purchased. The Massachusetts charter indeed was declared forfeited. Where the right was after that, might be disputed, but this was a hard judgment, and it was the plain intent of the charter in general, to restore rights, except that of the form of jurisdiction or administration of government, to the former state.

Be this as it may, it has however been thought by some judicious persons, that considering the extreme difficulty at present of convicting trespassers of cutting the king's trees, and by such conviction putting a stop to the spoil and havoc continually making, it would be good policy to allow the owners or proprietors of these lands a sum for every tree, felled for a mast, equal to what it would be worth when cut into logs for boards or timber. This would be scarce a tenth part of the value of the tree for a mast, and yet would take away the temptation to cut it for logs, and would encourage the preserving and cultivating the young trees, which are at present of lesser dimensions. Trees that are incapable of ever serving for masts, either from decay or other defects, although of sufficient diameter, might also be allowed to be cut for logs, and it would be no prejudice to the crown. At present, the trespassers make no distinction, and trees are continually cut worth twenty pounds sterling for a mast, which, when cut into logs, are scarce worth twenty shillings. Very few trees are cut for masts by trespassers. The notoriety of hauling, felling and shipping masts, will render it very difficult, when the burden of proof where the masts were cut shall lie upon the person who claims the property, to escape discovery and conviction, whereas, among the multitude of logs which are continually let loose to float down rivers to saw-mills, the greatest part of the trespasses will escape notice.

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There are great numbers of white pines, growing in parts of the country so remote from the sea or any river by which they can be floated to the sea, that the expense of bringing them thither would be twenty times the value of a mast in England. It seems unnecessary to deprive the inhabitants of such places from making use of the trees for timber and boards, when they must infallibly decay and die in the ground, if they are to serve for no other purpose but masts.

But to return. The house neglected making any provision for the support of the governor, or the other officers of the government who depend upon the court for their salaries. They waited to see how far the governor would consent to their several acts and votes. On the other hand, the two houses having chose the treasurer, impost officer, and other civil officers, the governor laid by the list, and neither approved nor disapproved. When the house sent a message to the council, to inquire whether the governor had passed upon the list, he directed the committee to tell the house that he should take his own time for it. This occasioned a reply from the house, and divers messages and answers passed upon the subject. At length the house, by a vote, determined they would not go into the consideration of grants and allowances before his excellency had passed upon the acts, resolves and elections of that session. This was in plain terms avowing what the governor at first charged them with tacitly intending. To have recurred to this instance would have laid the house under disadvantage in the dispute, some years after, about a fixed salary. To compel the governor to any particular measure, by making his support, in whole or in part, depend upon it, is said to be inconsistent with that freedom of judgment in each branch of the legislature, which is the glory of the English constitution. This was not all. The house withheld the support of all the other salary men, because the governor would not comply with the measures of the house.

Resentment was shewn against some of the governor's friends. The agent in England, Mr. Dummer, in some of his letters, had informed the court of the sentiments of

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the ministry upon the proceedings of the house of representatives, and of the general approbation in England of the governor's conduct. A faithful agent would rather tell them the truth, than recommend himself to them by flattery and false representations. He lost the favour of the house, who, upon the receipt of these letters, voted, that it was not for the interest of the province Mr. Dummer should be continued agent any longer, and therefore it was ordered that he should be dismissed.* This vote they sent to the council for concurrence, who desired the house to inform them of the grounds and reasons of this dismission. The house voted the message to be unprecedented, and insisted that the council had nothing else to do but to concur or non-concur, and then they non-concurred the vote; but this was much the same with a dismission, at least for a time; for an agent having no fixed salary depends upon temporary grants, which the house refused to make, after this vote.

Paul Dudley, esquire, another of the governor's friends, had the misfortune also of falling under the displeasure of the house. He had been chosen, by a small majority, counsellor for Sagadehoc. By the charter, it was necessary for him to have been an inhabitant or proprietor of that part of the province for which he was chosen. He dwelt in the old colony of Massachusetts. It was suggested in the house that he had no lands at Sagadehoc, and they appointed a committee to inquire into this fact. Upon their applying to Mr. Dudley for evidence of his title, he told them it was too late, they should have inquired before

* Mr. Dummer was publishing his defence of the charters when this vote passed for his dismission. "I think it now past all doubt that a bill will be brought into the house of commons at their next session to disfranchise the charter governments, and therefore I have printed a manuscript which has lain by me some time in defence of our charters. I have dedicated it to my lord Cartéret, one of his majesty's principal secretaries of state, and who has the plantations under his care, for which I had his lordship's permission. It will come out to-morrow, and I will put up a few of them under cover to you for the use of any members of the general court who may have a desire to see what I have wrote on the subject.

"I expect no thanks from the assembly for this service, as I had none for the counterfeit bills sent them over last spring, though I thought it an important service. It is a hard fate upon me, when I am doing the province and the gentlemen in it all the honour and justice that is in my power, that some persons in the lower house should take equal pains to lessen and expose me. I wish they do not prejudice themselves by it in the end. It matters very little what becomes of me."

—Dummer's letter, 11th Sept. 1721.

fore the election. Perhaps he was in an error. He went on and told the committee, he had a deed which he would not expose to the house, but he would shew it to two or three of the members. Upon this they sent another committee, to inform him it was expected he should produce his deed the next morning, to be laid upon the speaker's table. He replied that he would not produce his deed before the house, for they might possibly vote it insufficient. In this part of the province there are scarce any lands which have not more than one claimer, and it is not improbable some of the members of the house claimed the lands in Mr. Dudley's deed. The vote of the house would not have determined his title, but might have undue influence upon a jury in a judicial proceeding.

Mr. Dudley's answer was unsatisfactory, and the house voted that it was an affront ; that his declining to produce his deeds gave sufficient grounds to believe that he was no proprietor, and it was therefore resolved that his election be declared null and void. This vote being sent to the council was by them unanimously non-concurred.

No grants had been made, and no officers for the ensuing year had been constituted ; the house, notwithstanding, sent a message to the governor to desire the court might rise. He refused to gratify them. Thursday the 13th of July had been appointed for a public fast. The members desired to be at home with their families, and on Wednesday, by a vote, they adjourned themselves to Tuesday in the next week. The house of commons adjourn for as long time, without any immediate act of royal authority, but, I presume, never contrary to a signification of the mind of the king ; and the adjournments over holidays are as much established, by ancient usage, as the ordinary adjournments from day to day, and, being conformed to by both houses of parliament, no inconvenience can arise. But the charter was urged by the governor to be the rule in this assembly, not the analogy between a Massachusetts house of representatives and the commons of Great Britain. The governor, by charter, has the sole power of adjourning, proroguing and dissolving the general court. Taken strictly, it would be extremely

extremely inconvenient; for the act of the governor would be necessary every day. Upon a reasonable construction, therefore, the house had always adjourned from day to day, but never for so great a number of days. The council, who were obliged to spend near a week without business, unanimously voted, upon hearing the house had adjourned, that such adjournment, without his excellency's knowledge and consent, was irregular and not agreeable to the charter.

The governor afterwards made this adjournment one of the principal articles of complaint against the house.

Upon Tuesday, like the first day of a session, there was scarcely a house for business. The next morning some votes passed, which were offered to the governor, and which he would not suffer to be laid before him, until he had sent for the house and told them they had made a breach upon his majesty's prerogative, which he was under oath to take care of, and he insisted upon an acknowledgment of their error before they proceeded to business.

The house, by a vote or resolve, declared they had no design to make any breach upon the prerogative, but acknowledged they had made a mistake in not acquainting his excellency and the board with the adjournment.

The governor observed to them, that they had industriously avoided acknowledging that the sole power of adjourning, as well as proroguing and dissolving the general assembly, is vested in his majesty's governor by the royal charter. They thereupon agreed to the following message.

"THE house of representatives do truly acknowledge, that by the royal charter your excellency and the governor for the time being have the sole power and authority to adjourn, prorogue and dissolve the general court; and the house further acknowledge, that your excellency ought to have been acquainted with the design and intention of the house in their adjournment from Wednesday the 12th to Tuesday the 18th instant, before they did adjourn, and that it was so designed and casually omitted."

The house carefully distinguished between the power of adjourning the general court and adjourning the house of

representatives, one branch only, and seem to suppose, that their only mistake was their not acquainting the governor and the board with their intention, which was by no means satisfactory to the governor, and he immediately ordered the house to attend him in the council chamber. The speaker ordered all the members of the house to be called in, and, expecting a dissolution, they resolved "that all the votes of the house in the present session, more especially relating to any misunderstanding or difference that hath arisen between his excellency and the house, shall be prepared to be sent home, and that the speaker transmit them to William Tailer, esquire, now resident in London, or, in his absence, to such meet persons as he shall think fit, desiring them to lay the same before his majesty in council, or any where else, if need require, to obviate any complaint that may be made by his excellency the governor against the proceedings of this house for their just and necessary vindication." So much time was taken up in this vote, or resolve, that the governor was highly offended, and sent a second time, requiring them to attend him forthwith. It has always been the practice of the house, before and since, upon a message from the governor, to stop all business and go up without delay. The speaker, at this time, was among the forwardest in the opposition. There was no need of four or five members to hold him, as the speaker of the house of commons was once held, in the chair, until a number of strong resolutions had passed the house.

The governor directed his speech to the house only.

"*Gentlemen of the house of representatives,*

"I AM very much concerned to find in the printed journal of the house, first, an order to appoint a committee to draw a memorial upon, or representation of, my speech, made before the dissolution of the assembly in March last, and afterwards the memorial itself, signed by Mr. Cooke, in the name of the committee.

"This treatment is very surprising, from a house of representatives that profess so much loyalty and respect to his majesty's government. It appears to me to be very irregular, that the present house of representatives, where-

of John Clarke, esquire, is speaker, and which consists of a majority of new members, should take upon them to answer my speech made to a former house of representatives, whereof Timothy Lindall, esquire, was speaker. These proceedings are not only improper, but without precedent from any former assembly.

“ I must also observe to you, that you have not shewn that respect which is due to me as governor of this province, by suffering this order or memorial to go into the press, before it was communicated to me, which, if you had done, I could have convinced you that it would have been very much for the service of your constituents, that neither the order nor the memorial should have appeared in print.

“ It is my opinion, that you will quickly be convinced how much you have been wanting in your duty and interest, by disowning the authority of the right honourable board, which his majesty has constituted to superintend the affairs of the province and all the other plantations.

“ For these reasons, I should have dissolved the general court when the memorial first appeared, but I was in hopes the house might have been brought to correct or expunge it. Instead of making this use of my tenderness, you have gone on in the most undutiful manner to withdraw from his majesty’s and your country’s service, by adjourning yourselves for near a week, without my knowledge or consent, contrary to the royal charter, which absolutely vests in the governors of this province the power of adjourning, proroguing and dissolving; and that at a time when I thought it for the interest of the colony to adjourn you for two days only, having an affair of the greatest consequence to communicate to the house, which was to persuade you to take some effectual measures to prevent the plague coming among us, there being nothing so likely to bring it in as the French silk and stuffs which are constantly brought into this province.

“ These your unwarrantable proceedings oblige me to dissolve this assembly.”

This speech, and the dissolution which followed, further alienated the minds of the people from the governor.

Some of his friends wished he had carried his resentment no farther than putting an end to the session, and giving time to deliberate. There was no room to expect a change for the better, upon a new election.

There was yet no open war with the Indians, but they continued their insults. The French instigated them, and furnished them with ammunition and provisions. Governor Shute published a proclamation requiring the inhabitants to remain upon their estates and keep possession of the country. No wonder the proclamation was not obeyed. I know no authority he had to require them to remain. If the preservation of their own property was not sufficient to keep them there, it could not be expected they would remain merely as a barrier for the rest of the province.

In the month of August, two hundred Indians, with two French Jesuits, came to George-town upon Arowsick island, armed and under French colours, and, after some parley with the inhabitants, left a letter to be delivered to the governor, in which they make a heavy charge against the English for unjustly invading the property of the Indians, and taking from them the country which God had given them.

Rallé, their spiritual father, was their patron also in their temporal concerns. Either from a consciousness of their having conveyed the country to the English, or from a desire of peace and quiet, they were averse to engaging in war. When they were at their villages, the priests were continually exciting them to act vigorously, and drive all the English to the westward of Kennebeck; and such was their influence over them that they would often set out from home, with great resolution to persist in their demands, and in their parleys with the commanders of forts, as well as at more public treaties, would appear at first to be very sturdy, but were soon softened down to a better temper, and to agree that the English should hold the lands without molestation. When they returned home, they gave their father an account of great firmness, they had shewn in refusing to make any concessions, and to this we are to impute the erroneous relation of these treaties by Charlevoix and others.

But about this time Toxus, the Norridgewock chief, died. When they came to choose another Toxus, the old men, who were averse to war, contrary to Rallé's mind pitched upon Ouikouiroumenit, who had always been of the pacific party. They took another very disagreeable step, and submitted to send four hostages to Boston, sureties for their good behaviour and for the payment of the damages the English had sustained. Vaudreuil, the governor of Canada, was alarmed, and thought it necessary to exert himself upon this occasion. He writes to father Rallé, of the 15th of June—“I was at Montreal, my reverend father, when your letters of the 16th and 18th of May came to my hands, informing me of the bad step taken by the Norridgewocks, in choosing Ouikouiroumenit successor to the deceased Tomus, of the great loss which the whole Abenakis nation hath sustained by his death, and the divisions prevailing among the Norridgewocks, many of whom, and especially their chiefs, have betrayed the interest of their tribe in openly favouring the pretensions of the English to the country of Norridgewock. The faint hearts of your Indians in giving hostages to the English, to secure payment of the damage they have sustained, and the audacious language which they have used to the Indians, in order to keep possession of their country and to drive you out of it, fully convinced me that every advantage would be taken of the present state of affairs, to subject them to the English, if the utmost care should not be immediately taken to prevent so great a misfortune. Without a moment's delay, I set out, in order to apply myself to the business at Montreal, and from thence to St. Francois and Recancour, where I prevailed with the Indians of those villages vigorously to support their brethren of Norridgewock, and to send two deputies for that purpose, to be present at the treaty, and to let the English know that they will not have to do with the Norridgewocks alone if they continue their injuries to them. The intendant and I have joined in a letter, to desire father la Chase to take a journey to Norridgewock, in order to keep those Indians in their present disposition, and to encourage them to behave with firmness and

and resolution. He will also go to Penobscot, to engage them to send some of their chiefs also, to be present on this occasion and to strengthen their brethren."

Begoir, the intendant, writes at the same time to Rallé : "I wrote, my reverend father, to Mons. de Vaudreuil, who is at Montreal, the sentiments of father de la Chafe and my own, viz. what we think convenient to be done, until we hear from the council of the marine whether the French shall join the Indians to support them openly against the English, or shall content themselves with supplying ammunition, as the council has advised that M. Vaudreuil might do, in case the English should enterprise any thing against them. He thought it more proper to send the reverend father la Chafe, than Mons. de Croisil, lieutenant, &c. because the English can have no room to except to one missionary's visiting another, the treaty of peace not forbidding it ; whereas, if a French officer was sent, they might complain that we sent French men into a country, which they pretend belongs to them, to excite the Indians to make war upon them.

" It is to be wished that you and your Indians may be suffered to live in quiet until we know the king's intentions whether we shall openly join the Indians if they are attacked wrongfully ; in the mean time we shall assist them with ammunition, which they may be assured they shall not want.

" P. S. Since I wrote the foregoing, the Indians of St. Francois and Becancour have desired M. Vaudreuil that M. de Croisil may go with them to be a witness of their good disposition, and he has consented to join him with father de la Chafe."

The Massachusets people made heavy complaints of the French governor, for supporting and stirring up enemies against them in time of peace between the two crowns, but he justified himself to his own master. Rallé was ranked by the English among the most infamous villains, and his scalp would have been worth an hundred scalps of the Indians. His intrepid courage and fervent zeal to promote the religion he professed, and to secure his *neophytes* or converts to the interest of his sovereign, were the

the principal causes of these prejudices. The French, for the same reasons, rank him with saints and heroes. He had been near forty years a missionary among the Indians, and their manner of life had become quite easy and agreeable to him. They loved and idolized him, and were always ready to hazard their own lives to preserve his. His letters upon various subjects discover him to have been a man of superior natural powers, which had been improved by an education in a college of Jesuits. The learned languages he was master of. His Latin is pure, classical and elegant. He had taught many of his converts, male and female, to write, and corresponded with them in their own language, and made some attempts in Indian poetry. When he was young, he learned to speak Dutch, and so came more easily to a smattering of English, enough to be understood by traders and tradesmen who had been employed in building a church and other work at Norridgewock. He corresponded, in Latin, with one or more of the ministers of Boston, and had a great fondness for shewing his talent at controversy. Pride was his foible, and he took great delight in raillery. The English idiom and the flat and bald Latin, in some of his correspondents' letters, afforded him subject. Some of his contemporaries, as well as Cotton, Norton, Mitchel, and others of the first ministers of the country, would have been a match for him. He contemned and often provoked the English, and when threatened with destruction by them, if they should ever take Norridgewock, he replied —*If*—. We shall see, by-and-by, that he met with the same fate with others long before him, who by the like laconic and insulting answers had unnecessarily provoked their enemies.

The English charge the Indians with perfidy and breach of the most solemn engagements. The Jesuit denies it, and justifies their conduct from their being under duress at such times, and compelled to agree to whatever terms are proposed to them; particularly when they met governor Shute, at Arownick, in 1717, he says, “The body of the Norridgewocks had fully determined, that the English should settle no farther upon Kennebeck river than a

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certain mill ; for all the pretence they had to go beyond that, was a bargain of this sort, made by some Englishman with any Indian he happened to meet with—‘ I will give you a bottle of rum if you will give me leave to settle here, or if you will give me such a place ; give me the bottle, says the Indian, and take as much land as you have a mind to : the Englishman asks his name, which he writes down, and the bargain is finished.’ Such sort of bargains being urged against the Indians, at the treaty, they rose in a body and went away in great wrath ; and although they met again the next day and submitted to the governor’s terms, yet when they came home, all they had done was disallowed by the body of the nation and rejected.” Whilst the English kept within the mill, the Jesuit forbad the Indians molesting them ; but if any settled beyond those bounds, he allowed and encouraged the Indians to kill their cattle and to make other spoil.

The consideration made by the purchasers of Indian lands was not always so inconsiderable as the Jesuit mentions, and the purchases were from chiefs or reputed chiefs or sachems, and possession had been taken and improvements made scores of miles beyond the limits he would restrain the English to, more than sixty years before.

The French governor, Vaudreuil, in his manuscript letters, and the French historian, Charlevoix, in print, suppose the English settlers to be mere intruders, and charge the English nation with great injustice in dispossessing the Abenakis of their country. The European nations, which have their colonies in America, may not reproach one another upon this head. They all took possession, contrary to the minds of the natives, who would gladly have been rid of their new guests. The best plea, viz. that a small number of families laid claim to a greater part of the globe than they were capable of improving, and to a greater proportion than the general proprietor designed for so few people, who therefore had acquired no such right to it as to exclude the rest of mankind, will hold as well for the English as any other nation. The first settlers of Massachusetts and Plymouth were not content with this, but made conscience of paying the natives to their satisfaction.

satisfaction for all parts of the territory which were not depopulated or deserted, and left without a claimer. Gorges, the original patentee of the province of Maine, made grants or conveyance of great part of the sea-coast and rivers of that province without purchase from the natives; other parts had been purchased from them by particular persons, and the remaining part, as well as the country east of it, the government claimed by conquest; but it must be confessed, that in the several treaties of peace this right had not been acknowledged by the Indians, nor insisted upon by the English, this controversy being about those parts of the country which the English claimed by purchase, and no mention made of a right to the whole by conquest.

The governor, immediately after the dissolution of the general court, issued writs for a new house of representatives, and the court met, the 23d of August, at the George tavern, the extreme part of Boston, beyond the isthmus or neck, the small pox then prevailing in the town. The house chose Mr. Clarke, their former speaker, and informed the governor of it by message, and he sent his approbation, in writing, to the house. They passed a resolve, that they intended no more by their message than to inform the governor and council of the choice they had made, and that they had no need of the governor's approbation.

The first act of the house gave new occasion for controversy. They were so near the town as to be in danger, and, instead of desiring the governor to adjourn or prorogue the court to some other place, they passed a vote for removing the court to Cambridge, and sent it to the council for concurrence. The council non-concurred the vote. The governor let the house know, that he should be very ready to gratify them if he was applied to in such manner as should consist with the sole right in him of adjourning, proroguing and dissolving the court. They replied, that they were very willing to acknowledge his right, so far as respected time, but as to place, by the law of the province the court was to be held in Boston, and therefore an act or order of the three branches was necessary

necessary to remove it to any other place. They let the governor know further, that although they had convened in consequence of his summons, yet, as many of the members apprehended their lives in danger, they would leave the court and go home. There was a quorum, however, who chose to risk their lives rather than concede that the governor had power, by his own act, to remove the court from Boston to any other town in the province, or risk the consequence of refusing to remain a sufficient number to make a house.

The governor had received from England the opinion of the attorney general, that he had good right to negative the speaker, and the lords commissioners of trade and plantations had wrote to him and signified their approbation of his proceedings. These papers he caused to be laid before the house. The house drew up a remonstrance, in which they justify their own conduct and that of former assemblies, in their controversies with the governor, and with a great deal of decency declare, that, with all deference to the opinion of the attorney general, they must still claim the right of solely electing and constituting their speaker; and they humbly presumed that their so doing could not be construed a slight of or disrespect to his majesty's instructions, or bearing upon the royal prerogative. The governor gave them a short and very moderate answer; that he had made his majesty's instructions and the royal charter the rule of his administration; that he did not desire to be his own judge; the former house had voted to send an account of their proceedings to England, and it would be very acceptable to him, if the present house would state the case and send it home to persons learned in the law, and give them directions to appear for the house, that his majesty might judge between his governor and them; but in the mean time it was his duty to follow his instructions until they were countermanded.

Here seems to have been a calm interval. The flame was abated, but the fire not extinguished. Fresh fuel soon caused a fresh flame. The grant to the governor afforded proper matter. It was said the house were bad economists.

economists. To save an hundred pounds in the governor's salary, they put their constituents to the expense of five hundred pounds for their own wages. If the governor's demand was unreasonable, the house may be justified, although the wages of the members for the time spent in the debate amounted to much more than the sum in dispute. The currency also continued to depreciate; but this is a consideration which never had its just weight. Twenty shillings one year, must be as good as twenty shillings another. They received and paid their private dues and debts in bills of credit according to their denominations—why should not the government's debts be paid in the same manner? A majority of the house were prevailed upon to vote no more than five hundred pounds for half a year's salary, equal to about an hundred and eighty pounds sterling.

The governor was irritated; instead of obtaining an established salary of a thousand pounds sterling per annum, which he had been instructed to insist upon, his whole perquisites from the government would not afford him a decent support, and they were growing less every day by the sinking of the currency in its value.

The house, from an expectation that the governor would, from time to time, make complaints to the ministry, voted 500l. sterl. to be paid into the hands of such persons as should be chosen to defend their rights in England; but the council refused to concur the vote, because it was not expressed by whom the persons should be chosen.

At the close of the session, the house and council came into a vote, and the governor was prevailed with to consent to it, "that three hundred men should be sent to the head-quarters of the Indians, and that proclamation should be made, commanding them, on pain of being prosecuted with the utmost severity, to deliver up the Jesuits and the other heads and fomenters of their rebellion, and to make satisfaction for the damage they had done; and if they refused to comply, that as many of their principal men as the commanding officer should judge meet should be seized, together with Rallé, or any other Jesuit, and sent to

Boston;

Boston ; and if any opposition should be made, force should be repelled by force.” Judge Sewall,* one of the council, scrupled the lawfulness of this proceeding against the Indians, and entered his dissent. After the general court was prorogued, the governor, notwithstanding he had consented to the vote, suspended the prosecution until the Indian hostages escaped from the Castle ; but a war being then deemed inevitable, orders were given for raising the men. The hostages were taken and sent back to their confinement, and then the orders were recalled.

A promise had been made by the governor to the Indians, that trading houses should be built, armourers or smiths sent down, at the charge of the province, and that they should be supplied with provisions, clothing, &c. for their furs and skins.† The compliance with this promise was expected from the general court, and at any other time it would have been thought a well-judged measure ; but the unhappy controversy with the governor would not suffer any thing from him to be approved of, and the private traders provoked the Indians by their frauds and other injuries, and it seems the governor, as well as good Mr. Sewall, scrupled whether a declaration of war against them was just or prudent. This house and council chose to call the proceedings against them a prosecution for rebellion, but, if a view be taken of all the transactions between the English and them from the beginning, it will be difficult to say what sort of subjects they were ; and it is not certain that they understood that they had promised any subjection at all.

The house, dissatisfied with the governor for not carrying into execution a vote of the whole court, resolved at the beginning of the next session, “ that the government has still sufficient reason for prosecuting the eastern Indians for their many breaches of covenant.” The vote being sent up for concurrence, the council desired the

house

* This gentleman was a good friend to the aborigines of every tribe, not from mere humanity and compassion, but he was much inclined to think they were part of the ancient people of God, and that the ten tribes, by some means or other, had strolled into America. He was a commissioner from the corporation for propagating the gospel among them, and with his own substance built them a synagogue, and did many other charitable acts.

† Treaty at Arownick.

house to explain what they intended by prosecution, but they refused to do it, and desired the council either to concur or non-concur. The house refusing to explain their meaning, the board undertook to explain it, and concurred the vote, with a declaration that they understood it to be such a prosecution as had been determined the former session. This no doubt was irregular in the council, and left room to question whether it was a vote of the court, the house not having agreed to it as the council qualified it. However, in consequence of it, a party of men were ordered up to Norridgewock, and returned with no other success than bringing off some of Rallé's books and papers, his faithful disciples having taken care to secure his person and to fly with him into the woods. This insult upon their chief town, and the spoil made upon their priest, will not long remain unrevenged.

The session began at Boston the 3d of November. The governor prorogued the court, to meet at Cambridge the 7th; and before they proceeded to business, to avoid any dispute about the place of meeting, which would have obstructed the important affairs of the province, he gave his consent to a vote of the two houses, that by this instance of the governor's adjourning the court, no advantage should be taken in favour of his sole power of removing the court from place to place. In his speech, he had taken no notice of party disputes, and only recommended to them to raise money for the service of the government, and particularly of their exposed frontiers.

The house, in their vote for supply of the treasury, brought in a clause which had not been in former votes, and which the council supposed would lay such restraint upon the money in the treasury, that it would not be in the governor's power, with their advice and consent, so much as to pay an express without a vote of the whole court; they therefore non-concurred the vote, and the house refused any provision without that clause. In the midst of the dispute, Mr. Hutchinson, one of the members for Boston, was seized with the small-pox and died in a few days.* The speaker, Mr. Clarke, was one of the

most

most noted physicians in Boston, and, notwithstanding all his care to cleanse himself from infection, after visiting his patients, it was supposed, brought the distemper to his brother member; which so terrified the court, that after the report of his being seized, it was not possible to keep them together, and the governor found it necessary to pro-rogate them.* At the next session in March, the house insisting upon the form of supply which they had voted in the last session, the council concurred.

An affair happened during this session, which shewed the uncertainty of the relation the Indians stood in to the English. Castine, son by an Indian woman to the baron de St. Castine, who lived many years in the last century at Penobscot, had appeared among the Indians, who were in arms at Arownick. By an order of court, he had been afterwards seized in the eastern country, and brought to Boston and put under close confinement.

The house ordered, that he should be brought upon trial in the county of Suffolk, before the superior court, and that the witnesses who saw him in arms should be summoned to attend. This, no doubt, would have been trying in one county a fact committed in another. The council non-concurred, and voted to send for witnesses, that the court might judge in what manner to proceed against him; but this was not agreed to by the house. Some time after, a committee was appointed to examine him. Castine was a very subtle fellow, and made all fair with the committee. He professed the highest friendship for the English, and affirmed that he came to Penobscot to prevent the Indians from doing mischief, and promised to endeavour to influence all that tribe to keep peace. The committee therefore reported, and the two houses accepted the report, that he should be set at large. The governor approved of this proceeding. He had yet hopes of preserving peace. To have punished him as a traitor would have destroyed all hopes of an accommodation. It might also very well be questioned whether it would have been justifiable. The tribe or nation with which he was mixed, has repeatedly, in words of which they had no adequate ideas, acknowledged themselves subjects; but, in fact,

fact, in concomitant as well as precedent and subsequent transactions with them, had always been considered as free and independent, and, although they lived within the limits of the charter, the government never made any attempt to exercise any civil authority or jurisdiction over them, except when any of them came within the English settlements, and disputes had arisen between them and the English subjects.

The house who, the last session, were for prosecuting the Indians, and could not reasonably have supposed that they would bury, as they express themselves, the late march of the English to Norridgewock, seem, notwithstanding, to be suddenly changed from vigorous measures for bringing them to terms, to schemes for appeasing and softening them ; and a present was ordered to be sent to Boimaseen, the Norridgewock captain, to engage him in favour of the English.

The small-pox this year made great havoc in Boston and some of the adjacent towns.* Having been prevented spreading for near twenty years, all born within that time, besides many who had escaped it before, were liable to the distemper. Of five thousand eight hundred and eighty-nine, which took it in Boston, eight hundred and forty-four died. Inoculation was introduced upon this occasion, contrary to the minds of the inhabitants in general, and not without hazard, to the lives of those who promoted it, from the rage of the people. Doctor C. Mather, one of the principal ministers of Boston, had observed, in the philosophical transactions, a letter of Timonius from Constantinople, and a treatise of Pylarinus, Venetian consul at Simyrna, giving a very favourable account of the operation ; and he recommended a trial to the physicians of the town, when the small-pox first began to spread ; but they all declined it except doctor Boylston, who made himself very obnoxious. To shew the confidence he had of success, he began with his own children and servants. Many sober, pious people were struck with horror, and were of opinion that, if any of his patients should die, he ought to be treated as a murderer.

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* It was brought into the harbour of Boston about the middle of April by the Salterugas fleet.

The vulgar were enraged to that degree, that his family was hardly safe in his house, and he often met with affronts and insults in the streets.

The faculty, in general, disapproved his conduct, but doctor Douglaſs made the most zealous opposition. He had been regularly bred in Scotland, was assuming even to arrogance, and in several fugitive pieces which he published, treated all who differed from him with contempt. He was credulous, and easily received idle reports, of persons who had received the small-pox by inoculation taking it a second time in the natural way, of others who perished in a most deplorable manner, from the corrupt matter, which had so infected the mass of blood as to render the patient incurable. At other times, he pronounced the eruption from inoculation to be only a pustulary fever like the chicken or swine-pox, nothing analogous to the small-pox, and that the patient, therefore, had not the least security against the small-pox afterwards by ordinary infection.

Another practiser, Lawrence Dalhonde, who had been a surgeon in the French army, made oath that at Cremona, about the year 1696, the operation was made upon thirteen soldiers, four of which died, three did not take the distemper, the other six hardly escaped, and were left with tumours, inflammations, gangrenes, &c. and that about the time of the battle of Almanza, the small-pox being in the army, two Muscovians were inoculated, one without any immediate effect, but six weeks after was seized with a frenzy, swelled all over his body, and was supposed to be poisoned, and, being opened after his death, his lungs were found ulcerated, which it was determined was caused by inoculation.

The justices of the peace and selectmen of the town called together the physicians, who, after mature deliberation, came to the following conclusions. "That it appears by numerous instances, that inoculation has proved the death of many persons soon after the operation, and brought distempers upon many others, which in the end have proved deadly to them. That the natural tendency of infusing such malignant filth in the mass of blood is to corrupt

corrupt and putrify it, and if there be not a sufficient discharge of that malignity, by the place of incision or elsewhere, it lays a foundation for many dangerous diseases. That the continuing the operation among us is likely to prove of the most dangerous consequence." The practice was generally condemned.

The common people imbibed the strongest prejudices, and such as died by inoculation were no more lamented than self-murderers. Doctor Mather, the first mover, after having been reproached and vilified in pamphlets and news-papers, was at length attacked in a more violent way. His nephew, Mr. Walter, one of the ministers of Roxbury, having been privately inoculated in the doctor's house in Boston, a villain, about three o'clock in the morning, set fire to the fuze of a granado shell, filled with combustible stuff, and threw it into the chamber where the sick man was lodged. The fuze was fortunately beat off by the passing of the shell through the window, and the wild fire spent itself upon the floor. It was generally supposed* that the bursting of the shell by that means was prevented. A scurrilous menacing writing was fastened to the shell or fuze.

The moderate opposers urged, that the practice was to be condemned, as trusting more to the machination of men, than to the all-wise providence of God in the ordinary course of nature, and as tending to propagate distempers to the destruction of mankind, which proved it to be criminal in its nature and a species of murder. The magistrates, I mean those in Boston, supposed it had a tendency to increase the malignity and prolong the contiguance of the infection, and that therefore it behoved them to discountenance it.

At length, the house of representatives laid hold of it, and a bill was brought in and passed to prohibit all persons from inoculation for the small-pox; but the council were in doubt, and the bill stopped.

Such is the force of prejudice. All orders of men, in that day, in greater or lesser proportion, condemned a

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practice

* I remember to have seen the shell, which was not filled with powder, but a mixture of brimstone with bituminous matter.

practice which is now generally approved, and to which many thousands owe the preservation of their lives.

Boylston continued the practice, in spite of all the opposition. About three hundred were inoculated, in Boston and the adjacent towns. It is impossible to determine the number which died by it. Douglaſs would have it there was one in fourteen, whilst the favourers of the practice would not allow more than one in seventy or eighty. It was evident, from the speedy eruption, that many had taken the distemper before they were inoculated. Indeed, where persons have continued in an infected air for months together, no true judgment can ever be made of the experiment.*

The new house of representatives, in May, chose the former speaker, and the governor declared his approbation in the same manner he had done before. He negatived two of the counsellors elect, colonel Byfield and Mr. William Clark. Mr. Clark, being a member of the house for Boston, had ever adhered closely to Mr. Cooke. The governor shewed his resentment by refusing to admit Him to the council, but did not serve his own interest, Mr. Clark's opposition being of greater consequence in the house.

The Indians were meditating mischief from the time the English were at Norridgewock, but committed no hostilities until June following. They came then with about sixty men, in twenty canoes, into Merrymeeting bay, and took prisoners nine families, but gave no marks of their usual rage and barbarity. Some of their prisoners they released immediately, and others in a short time after. Enough were retained to be a security for the return of their hostages from Boston. Another small party of Indians made an attempt upon a fishing vessel belonging to Ipswich, as she lay in one of the eastern harbours, but the fishermen being armed, they killed two or three of the Indians, and the rest retreated. The collector of

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* It happened, that in the same month in which inoculation began in Boston, two children, a daughter, I suppose, of lady Mary W. Montague, and a son of doctor Keith, were inoculated in England. Then an experiment was made upon six condemned criminals. After that, three or four children were inoculated, and the spring following several children in the hospitals. The success of these attempts encouraged the like with two of the princesses, which succeeded very favourably.

the customs at Annapolis-royal, Mr. Newton, with John Adams, son of one of the council for Nova Scotia, were coming from thence, with captain Blin, to Boston, and, putting in to one of the Passimaquadies, went ashore, with other passengers, and were all seized and made prisoners by about a dozen Indians and as many French; the people left on board the sloop cut their cables and fled to Boston.

Another party of Indians burned a sloop at St. George's river, took several prisoners, and attempted to surprise the fort.

Intelligence of these several hostile acts came to Boston whilst the general court was sitting, but there seemed to be no disposition to engage in war. Instead of the former vigorous resolves, upon lesser provocations, the house proposed that a message should be sent to the Norridgewock Indians, to demand the reasons of this behaviour, restitution of the captives, and satisfaction for damages; and acquaint them that, if they refused, effectual methods would be taken to compel them. The hostages given by the Indians were sent down to the eastward, and, upon the restoring the English captives, they were to be set at liberty.

The friends of the English captives were importunate with the government to take measures for their redemption, and a view to effect this seems to have been the chief reason which delayed a declaration of war. But, soon after the prorogation of the court, news came that the Indians had burnt Brunswick, a village between Casco-Bay and Kennebeck, and that captain Harman, with part of the forces posted upon the frontiers, had pursued the enemy, killed several, and taken fifteen of their guns. Immediately after this news (July 25) the governor, by advice of council, caused a declaration of war to be published.

Foreign wars often delivered Greece and Rome from their intestine broils and animosities, but this war furnished a new subject for contention. The governor often charged the party in the house with assuming the direction of the war, and taking into their hands that power

which the charter gives to the governor. He gave them a hint in his speech (August 8th) at the opening the next session. "One thing I would particularly remark to you, which is, that, if my hands and the council's be not left at a much greater liberty than of late they have been, I fear our affairs will be carried on with little or no spirit. Surely, every person who wishes well to his country will think it high time to lay aside all animosities, private piques and self-interest, that so we may unanimously join in the vigorous prosecution of the weighty affairs which are now upon the carpet."

The house, in an address to the governor, signified their sentiments of the necessity of this declaration of war, and promised "all necessary and cheerful assistance." A committee of the two houses settled the rates of wages and provisions for the forces, to which no exception was taken; but they went further and determined the service in which they were to be employed, three hundred men to be sent upon an expedition to Penobscot, and the rest to be posted at different places on the frontiers; and qualified their report by desiring the governor to give orders accordingly. He let them know, that the king his master and the royal charter had given him the sole command and direction of the militia, and all the forces, which might be raised on any emergency, and that he would not suffer them to be under any direction but his own and those officers he should think fit to appoint. The house made him no answer. The destination of the military forces in this manner, and making the establishment of their wages depend upon a compliance with it, had not been the practice in former wars and administrations, but the governor found he must submit to it, or the frontiers would be without defence. He gave up his own opinion with respect to the Penobscots, and had laid the same plan which the committee had reported, and he intended to prosecute it, which made his compliance more easy. The house being dissatisfied with major Moody, who had the command of the forces, passed a vote desiring the governor to dismiss him. The council non-concurred this vote, "because he was condemned unheard," and substituted

tuted another vote to desire the governor to send for him, that he might attend the court; but this the house would not agree to, and sent a separate message to the governor to desire him to suspend the major from his post. The governor told them he was surprised they should desire so high a piece of injustice as the punishing a man without hearing what he had to say for himself, and let them know he would inquire into the grounds of their complaint. Several other votes passed, relative to the forces, which the governor did not approve.

At the next session, November 15th, he recommended a law to prevent mutiny and desertion, for want of which the men were daily running away. The house thought it necessary to be first satisfied, whether the desertion in the army was not owing to the unfaithfulness of the officers, and appointed two committees, one to repair to the headquarters on the eastern, and the other on the western frontiers, with powers to require the officers to muster their companies, when an exact list was to be taken of the men that appeared, an account of all deserters, and of all such as were absent upon furlough, or had been dismissed or had been exchanged, together with divers other powers. They then applied to the governor, to give orders to all in command to pay a proper deference to the vote and order of the house respecting repeated abuses and mismanagements among the forces, &c.

This the governor thought he had good right to except to, and he made the vote itself, as well as the manner in which it was to be executed, an article of complaint against the house to the king; but he was prevailed upon to consent to it, and either made or intended to make this condition, that the committees should make report to him. The house urged this consent against him, but in England it was not thought a sufficient justification.

The conceding in one point naturally led to a demand of the like concessions in others.

It was thought a salutary measure to send for delegates from the Iroquois, who were in friendship with us, and to desire them to use the influence they had over the eastern Indians, in order to their making satisfaction for the injuries

ries done, and to their good behaviour for the time to come. When the delegates came to Boston, the house voted that the speech to be made to them by the governor should be prepared by a committee of the two houses. The governor had prepared his speech, and he directed the secretary to read it to the house of representatives; but this was not satisfactory, and they sent a message to desire that what the secretary had read might be laid before the house. The governor refused at first, but upon further consideration consented, desiring they would speedily return it. They sent it back to him, and let him know they could not agree to it, unless he would speak in the name of the general court, and the house of representatives might be present when the speech was delivered. This was disagreeable to him, and a novelty to the Indians, who had always considered in their treaties, the governor of Pennsylvania, as well as the governor of New York, to be treating with them in their own names, or the name of the king, and not of their respective assemblies; but he submitted.

In consequence of the vote of the house in the last session, the governor had directed an expedition to Penobscot, although it was not altogether agreeable to his own judgment. It seems he had hopes of an accommodation, with that tribe at least. Colonel Walton, who had the command on the eastern frontiers, selected forces proper for the purpose, and they had actually begun their march, when intelligence arrived to the colonel that Arowick was attacked by a great number of Indians. He immediately sent an express with orders to the forces to return, and acquainted the governor with his proceedings. The council advised to keep the whole forces for the defence of our own inhabitants, and to suspend acting upon the offensive until winter, which they judged a more proper season for the expedition; and the men, in consequence of this new advice, were employed in marches upon the back of the frontiers. But the house were dissatisfied, and sent a message to the governor "to desire him to order, by express, colonel Walton to appear forthwith before the house, to render his reasons why the orders relating

relating to the expedition had not been executed." This was not only to take Walton from the command, as long as the house should think fit to detain him, but the orders, "relating to the expedition," might be understood to mean the orders which had been given by the house, and not what he had received from the captain general. The governor told the committee that he would take no notice of the message from the house unless it was otherwise expressed; besides, he and the council were well satisfied, and he thought every body else was. He added, that he intended the officers should give an account "to him" of their conduct. The next day (Nov. 20th) they sent another message to him to desire him to inform the house, whether he would send for Walton as they had desired. He then told the committee, he would send his answer to the house when he thought proper. Upon this, they seem to have appointed a messenger to go to the eastward, upon what occasion does not appear, and the next day passed the following extraordinary vote. "Whereas this house did on Thursday last appoint a committee to wait on his excellency the governor, praying his orders for colonel Walton's appearance before the house, and renewed their request to him yesterday, and his excellency has not yet seen cause to comply with that vote, and the denial of colonel Walton's being sent for has extremely discouraged the house in projecting any further schemes for carrying on the war, under any views of success; and this house, being zealously inclined to do what in them lies to bring this people out of the calamities and perplexities of the present war, and to spare no cost and charge to effect so great a good, were some things at present remedied: We do therefore, once more, with the greatest sincerity and concern for our country's good, apply to your excellency for your speedy issuing your orders concerning colonel Walton, to be dispatched by the messenger of this house going into those parts." The governor did not like to be so closely pressed, and when the committee came to his house, he told them he would not receive the vote, and, as it is inserted in the report and journal of the house, "he went his way." They then appointed

appointed their speaker and eight principal members, a committee to wait upon the governor and desire him to return to the chair, "on some important affairs which lay before the house," but he refused to see the committee, and directed his servant to tell them he would not then be spoken to by any body.

Walton was a New Hampshire man at the head of the forces, a small part only of which were raised in that government. This might prejudice many, but there was a private grudge against him in some of the leading men of the house, and they never left pursuing him until they effected his removal.

The house finding the governor would not comply, all their messages to him being exceptionable, as founded upon a supposed right in the house to call the officers out of the service to account before them whensoever they thought proper, and also to order the particular services in which the forces should be employed without leaving it in the governor's power to vary, they made some alterations in the form of their request, and (December 4th) passed the following vote. "Whereas this house have been informed of divers miscarriages in the management of the war in the eastern country, voted, that his excellency the governor be desired to express colonel Walton, that he forthwith repair to Boston, and, when he hath attended upon his excellency, that he would please to direct him to wait on this house, that they may examine him concerning his late conduct in prosecuting the war, more especially referring to the late intended expedition to the fort of Penobscot." This being more general, and not confined to the laying aside the expedition, which was known to be in consequence of orders, the governor was willing it should be construed favourably, and sent for Walton.

The council having steadily adhered to the governor, he took this opportunity to recommend to the house to act jointly with the council in messages to him of general concern, and at the same time, in a verbal message by the secretary, endeavoured to soften the temper of the house. "Mr. speaker, his excellency commands me to acquaint this

this honourable house that he has taken into consideration the several messages relating to colonel Walton, and thinks it most agreeable to the constitution, and what would tend to keep up a good agreement between the council and house of representatives, for all their messages, of a public nature and wherein the whole government is concerned, to be sent up to the council for their concurrence, and not immediately to himself; however, that he will give order for colonel Walton's coming up to town, and, when has received an account of his proceedings, the whole court shall have the hearing of him if they desire it." In this way, the governor intended to guard against any undue proceeding, there being no danger of the council's condemning a measure to which a little while before they had given their advice and consent; but the house improved the hint to a very different purpose, and on the 5th of December voted "that a committee, to consist of eleven members of the two houses, seven of the house of representatives and four of the council, shall meet in the recess of the court, once in fourteen days, and oftener, if occasion should require, to concert what steps and methods shall be put in practice relative to the war, and having agreed upon any projections or designs, to lay them before his excellency for his approbation, who is desired to take effectual care to carry them into speedy execution."* In affairs of government, of what nature foever, this was an innovation in the constitution; but in matters relative to the war it was taking the powers from the governor, which belonged to him by the constitution, and vesting them in a committee of the two houses. The council unanimously non-concurred the vote, and alteration ensued between them and the house, but the council persevered.

* This was unprecedeted, and had it been only a devolving the powers, by the constitution entrusted with the whole legislature, could not be justified; but it was an assuming the power given to one branch only, the governor, and then devolving it to a few of their own number. Such innovations are dangerous. They may be improved to serve the purposes of an arbitrary prince or governor, as well as those of a popular faction. When Richard II. had a packed parliament devoted to his will and pleasure, he procured an act or order, under colour of dispatching business, which invested the whole authority of parliament in the king, with twelve peers and six commoners. On the other hand, in 1641, the lords and commons having determined to adjourn from the 9th of September to the 20th of October, appointed committees, viz. seven of the lords and forty-three of the commons, to take care, during the recess, of the most weighty and urgent affairs.

persevered. In the mean time the governor was engaged with the house in fresh disputes.

The committee of the house, which had been sent to the eastern frontiers, returned, and instead of making their report to the governor, which was the condition of his consent to their authority and of his orders to the officers to submit to them, they made their report to the house. This was disingenuous. It would not do to urge that he had no right to make conditions to their votes, for he had given no consent, unless it was conditional, and without his consent they could have no authority.* As soon as he heard of the report, he sent to the house for his original order, which he had delivered to the committee. They answered that they were not possessed of it; but the chairman of the committee had left an attested copy on their files, which he might have if he pleased; but he refused the copy and insisted upon the original. He then sent for John Wainwright, the chairman of the committee, to attend him in council, and there demanded the return of the original order. Wainwright, in general, was what was called a prerogative man, but the house had enjoined him not to return the order. He acknowledged

* In the first year of the reign of the late king William, a motion was made in the house of commons for an address to his majesty to send persons into Ireland to take account of the numbers of the army and the provisions, which the king assured them he would do. Afterwards, a motion was made that the commons should send some of their members and of their own nomination. The king being informed of it sent the following message.

“William R.

“His majesty having already declared his resolutions to prosecute the war in Ireland with the utmost vigour, and being desirous to use the means that may be most satisfactory and effectual in order to it, is graciously pleased, that this house do recommend a number of persons, not exceeding seven, to be commissioned by his majesty, to take care of the provisions and such other preparations as shall be necessary for that service.

“His majesty is further pleased to let the house know, that, upon consideration of the address of the 11th of November, he gives them leave to nominate some persons to go over to Ireland, to take an account of the number of the army there and the state and condition of it, who shall receive his majesty’s orders accordingly.”

This is called a condescending message. It is certain the house of commons did not think fit to take these powers upon them, but, after a vote of thanks to his majesty,

“Resolved, that this house doth not think to recommend any member of this house to be employed in the service of Ireland, for the purposes expressed in his majesty’s gracious message of Saturday last.

“Resolved, that this house doth humbly desire to be excused from recommending any persons to his majesty to be employed in the service of Ireland; but humbly leave it to his majesty’s great wisdom to nominate fit persons for that service.”

knowledged he had the order in his possession, but desired to be excused from delivering it, the house having directed him to deliver no original papers. The original vote of the house, and the governor's order in consequence of it, came to my hands by accident.

"In the house of representatives, Nov. 11, 1722.

"Whereas this house have been informed of repeated abuses and mismanagements among the officers now in pay, tending greatly to the dishonour and damage of the government, and are desirous to use all proper and suitable methods for the full discovery thereof; and to effect the same have sent a committee from the house to inquire into these rumours, and report how they find things; we the representatives do most earnestly desire your excellency's orders, by the same committee, to the commanding officer and all others in command there, to pay all proper deference to the vote and order of this house respecting that matter.

John Clarke, speaker."

"BOSTON, Nov. 17, 1722.

To the officer commanding in chief at the eastward.

"I do hereby give orders to the commanding officers and all other inferior officers to pay deference to the committee, and do expect that the committee lay first before me their report, as captain general, and afterwards, upon the desire of the house of representatives, it shall be laid before them.

Samuel Shute."

The house expected the governor would complain of them for usurping a military power, and might refuse to part with the original votes or orders by which he had signified his consent to it, the condition not preceding the exercise of such power.

Soon after (Dec. 18th) colonel Walton came to town, and the house sent their committee to desire the governor to direct him to attend the house the next morning, but the governor refused to give such orders, and told the committee that, if his officers were to answer for their conduct, it should be before the whole court. They then sent their door-keeper and messenger to Walton, to let him know the house expected his attendance. He went immediately,

mediately, but refused to give any account of his proceedings without leave from the governor. The next day, Walton was ordered to appear before the whole court, and the governor sent a message by the secretary, to acquaint the house that they might then ask any questions they thought proper, relative to his conduct ; but they resolved, that their intent, in sending for him, was that he should appear before them. The next day, he sent another message to acquaint the house that Walton was then before the governor and council, with his journal, and if the house inclined to it, he desired them to come up, and ask any questions they thought proper. They returned for answer, that they did not think it expedient, for they looked upon it not only their privilege, but duty, to demand, of any officer in the pay and service of the government, an account of his management, while employed by the public.

This, perhaps, in general, was not the cause of dispute, but the question was, whether he was culpable for observing the orders which the governor had given contrary to the declared mind and order of the house. They then passed an order for Walton forthwith to lay his journal before the house. This was their last vote, relative to this affair, whilst the governor was in the province. He had, without making it public, obtained his majesty's permission to leave the province and go to England. The prejudice in the minds of the common people increased every day. It was known to his friends, that as he sat in one of the chambers of his house, the window and door of a closet being open, a bullet entered, through the window and door passages, and passed very near him. If some thought this a mere accident, yet, as he knew he had many virulent enemies, he could not be without suspicion of a wicked design ; but his principal intention in going home, was to represent the conduct of the house, to call them to answer before his majesty in council, and to obtain a decision of the points in controversy, and thereby to remove all occasion or pretence for further disputes. His departure was very sudden. The Seahorse man-of-war, captain Durell, lying in Nantasket, bound to Barbadoes

does to convoy the Saltortugas fleet, the governor went on board her, Dec. 27th, intending to go from Barbadoes, the first opportunity, for London. Not one member of the court was in the secret, nor indeed any person in the province, except two or three of his domestics. The wind proved contrary for three or four days, during which, the owners of the ship Ann, captain Finch, which was then loading for London, by employing a great number of hands, had her fitted for the sea, and sent her to Nantasket and offered the governor his passage in her, and he went on board and sailed the first of January.

Upon a review of this controversy with governor Shute, I am apprehensive some of my readers will be apt to doubt the impartiality of the relation. Such steps and so frequent by one party, without scarce any attempts by the other, are not usual; but I have made the most diligent search into the conduct of the governor, as well as the house, and I am not sensible of having omitted any material fact, nor have I designedly given a varnish to the actions of one party, or high colouring to those of the other. Some will say, it was unnecessary to publish to the world transactions which tend to set the country in an unfavourable light. I profess to give a true relation of facts. I see no difference between publishing false facts for truth, and omitting any which are material for the forming a just conception of the rest. Colonel Shute had the character of being humane, friendly and benevolent, but somewhat warm and sudden upon provocations received, was a lover of ease and diversions, and for the sake of indulging his inclinations in those respects, would willingly have avoided controversy with particular persons or orders of men in the government; but it was his misfortune to arrive when parties ran high and the opposition had been violent. With great skill in the art of government, it might not have been impossible for him to have kept both parties in suspense, without interesting himself on either side, until he had broke their respective connexions, or the animosity had subsided; but, void of art, with great integrity he attached himself to that party which appeared to him to be right, and made the other his irreconcileable

reconcileable enemies. His negativing Mr. Cooke, when chosen to the council, was no more than what he had an undoubted right to do by charter ; but the refusal to accept him as speaker, perhaps, was impolitic, the country in general supposing it to be an invasion of the rights of the house ; and it would have been less exceptionable to have dissolved them immediately, which he had a right to do, than to dissolve them after an unsuccessful attempt to enforce his negative when his right was doubtful in the province ; although not so with the attorney and solicitor general, who supposed the house of representatives claimed a privilege which the house of commons did not. The leading men in the house of representatives did not think so. That point had not been in question in England since the reign of king Charles II. when it was rather avoided than determined ; and it was not certain that the house of commons in the reign of king George I. would more readily have given up the point than their predecessors in the time of king Charles. The house, in the other parts of the controversy, had less to say for themselves, and, with respect to the attempts upon his military authority, were glad to be excused by an acknowledgment of their having been in the wrong. The clipping his salary, which, at the highest, would no more than decently support him, was highly resented by him ; and I have heard his friends say, that he would have remained in the government and waited the decision of the other points, if the two hundred pounds, equal to about fifty pounds sterling, the deduction made, had been restored.*

Under

* "I must acquaint you that another thing, that gives great offence to the ministry, is, that they hear the governor is made uneasy in his government, and yet they receive no complaints of his misconduct or mal administration. Colonel Shute is known at court, and at the offices of state, under the character of a very worthy gentleman, and one of a singular good temper, fitted to make any people happy that are under his command. When therefore they find the contrary in New England, they conclude from it that we would have no governor at all from hence, but want to be independent of the crown. Now, though this be a strained and most injurious inference, yet they will not easily be persuaded out of it. I could not satisfy my conscience without mentioning this article, though I am sensible it will afford a handle to my enemies to reproach me, as minding the governor's interest more than the country's." — *Dummer's letter, 23d April, 1721.*

"The affairs of the country are, in the opinion of all men here, in desperate circumstances. I was last night in company with the governor, who has laid his memorial before the board of trade, where it was maintained that the conduct of the assembly

Under an absolute monarch the people are without spirit, and wear their chains despairing of their freedom. A change of masters is the sum of their hopes, and, after insurrections and convulsions, they still continue slaves. In a government founded upon the principle of liberty, as far as government and liberty can consist, such are the sweets of liberty, that we often see attempts for a greater degree of it than will consist with the established constitution, although anarchy, the greatest and worst of tyrannies, may prove the consequence, until the eyes of the people are opened and they see the necessity of returning to their former happy state of government and order.

The lieutenant governor took the chair, under the disadvantage of being obliged to maintain the same cause which had forced his predecessor out of it. Personal prejudice against the governor was the cause of assuming rights reserved by charter to the crown. The cause now ceased, but power once assumed is not willingly parted with. Mr. Dummer had demeaned himself very discreetly. His attachment to the cause of the governor lost him some friends, and proved a prejudice to him and to his successors; for it had been usual to make an annual grant or allowance to the lieutenant governor, in consideration of his being at hand, or, as they expressed it, ready to serve the province, in case of the governor's absence, but, after the two or three first years from his arrival, they withheld it. Without any mention of the unhappy state of affairs, in a short speech to the two houses, he let them know that he would concur with them in every measure for his majesty's service and the good

of

assembly in the affair of the militia was no less than high treason by the laws of England, as appeared to them by their own printed votes. Their report will in a day or two be laid before the regency, and what issue it will have there I will not prophesy. The governor shewed me the printed votes with regard to the dedication of the theses of Harvard college, at which I could not but stand amazed. I see no hopes of saving the country unless the next general assembly will disavow the proceedings of the last. The cry of the city here runs exceedingly against you, and they revive the story of 1641. The governor, I assure you, grieves and pities you, but knows not how to help you. The blame of this whole affair is laid here to Mr. C—— and one or two more, who, under the notion of patriots, are like to be the instruments of the loss of that which is one of the dearest things to you in the world. In what light they will appear to posterity they will do well to consider. What remains is only to condole with you the dark state of your affairs."——*Extract of a letter from Mr. Noe, author of the history of New England.*

of the province. An aged senator, Mr. Sewall, the only person alive who had been an assistant under the old charter, addressed himself to the lieutenant governor with great gravity and simplicity, in primitive style, which, however obsolete, may be worth preserving. "If your honour and the honourable board please to give me leave, I would speak a word or two upon this solemn occasion. Although the unerring providence of God has brought your honour to the chair of government in a cloudy and tempestuous season, yet you have this for your encouragement, that the people you have to do with are a part of the Israel of God, and you may expect to have of the prudence and patience of Moses communicated to you for your conduct. It is evident, that our almighty Saviour counselled the first planters to remove hither and settle here, and they dutifully followed his advice, and therefore he will never leave nor forsake them, nor theirs; so that your honour must needs be happy in sincerely seeking their happiness and welfare, which your birth and education will incline you to do. *Difficilia quæ pulchra.* I promise myself, that they who sit at this board will yield their faithful advice to your honour, according to the duty of their place."

The house thought it necessary to take immediate measures for their defence and vindication in England. The governor had mentioned nothing more to the lieutenant governor than that he was embarked and intended to return to his government early in the fall. This the lieutenant governor communicated to the council, and the council to the house. They sent a committee immediately to the lieutenant governor, to pray him to inform them what he knew of the governor's intended voyage; but he could tell them no more. They then appointed another committee "to prepare and lay before the house what they think proper to be done in this critical juncture, in their just and necessary vindication at the court at home," and a ship, captain Clark, then ready to sail for London, was detained until the dispatches were ready. Anthony Sanderson, a merchant of London, had been recommended by Mr. Popple, of the plantation office, in a letter to

the

the speaker, as a proper person for the Province agent. To him the house sent their papers, to be improved as they should order.*

The house was loth suddenly to recede, and the day after the governor failed, they appointed a committee, to join with a committee of council, to consider of proper ways for carrying into execution the report of a committee of war. This was the province of the captain general, and the council refused a concurrence. The house then passed another vote, protesting against carrying on an offensive war, unless Walton, the colonel, and Moody, the major, should be removed, and other suitable persons appointed. Before the council passed upon this vote, the two obnoxious persons were prevailed upon to write to the lieutenant governor, and desire a dismission, provided they might be paid their wages; and the letters being communicated to the council, they passed another vote desiring the lieutenant governor to dismiss the officers, agreeable to the letters received from them. This vote the house non-concurred, and insisted upon their own vote, which the council then non-concurred. The house then passed a resolve, that, unless Walton and Moody were dismissed, they should be necessitated to draw off part of the forces, and sent their resolve 'to be laid upon the council table.' The lieutenant governor, by a message, let the house know, that the king had appointed him general of the forces, and that he only had the power to draw them off, and added, that he expected all messages from the house should be properly addressed to him, otherwise he should pay no regard to them. The house were sensible they had gone too far, and appointed a committee to wait upon the lieutenant governor, to desire they might have leave to withdraw their resolve, and declared that, however expressed, they intended only that they would not vote any further pay and subsistence. They persisted, however, in their refusal to provide for the pay of the two officers, whose dismission they required, nor would they make provision for further carrying on the war until other officers were appointed.

* In November, 1722, died at Salem Daniel Epps, esquire, of the council.

Among the other instances of additional power to the house, they had, by degrees, acquired from the governor and council the keys of the treasury, and no monies could be issued without the vote of the house for that purpose. This is no more than some colonies without charters claim and enjoy, but by the charter, all monies are to be paid out of the treasury 'by warrant' from the governor with advice and consent of the council. The right of the house to originate all acts and orders for raising monies from the people, and to appropriate such monies to such services as they thought proper, was not disputed; but they went further, and would not admit that payment should be made for such services until they had judged whether they were well performed; and had passed a special order for such payment: Thus they kept every officer dependent, and Walton, because he had not observed their orders to go to Penobscot, but had conformed to the governor's orders, from whom he derived all the authority he had to march any where, was denied his pay. Other matters were alleged against Walton in the course of the dispute, but this seems to have been the principal.

The exposed state which the frontiers must have been in if the forces had been drawn off, and they could not be kept there without pay, induced the lieutenant governor to dismiss Walton, and to appoint Thomas Westbrooke colonel and commander in chief, whereupon an establishment was settled by the house, premiums were granted for Indian scalps and prisoners, and an end was put to the session.

The Indians, we have observed, were instigated by the French to begin the war. The old men were averse to it. Rallé, with difficulty, prevailed upon the Norridgewocks. The Penobscots were still more disinclined, and, after hostilities began, expressed their desires of an accommodation. The St. Francois Indians, who lived upon the borders of Canada, and the St. John's, as also the Cape-Sable Indians, were so remote as not to fear the destruction of their villages by the English. They mixed with the Norridgewocks and Penobscots, and made the war general. In the latter part of July the enemy surprised Canso and other harbours

harbours near to it, and took sixteen or seventeen sail of fishing vessels, all belonging to Massachusetts. Governor Phillips happened to be at Canso, and caused two sloops to be manned, partly with volunteer sailors from merchants' vessels which were loading with fish, and sent them, under the command of John Eliot, of Boston, and John Robinson, of Cape-Ann, in quest of the enemy. Eliot, as he was ranging the coast, espied seven vessels in a harbour called Winnepaugh, and concealed all his men, except four or five, until he came near to one of the vessels, which had about forty Indians aboard, who were in expectation of another prize falling into their hands. As soon as he was within hearing, they hoisted their pendants and called out, Strike, English dogs, and come aboard, for you are all prisoners. Eliot answered, that he would make all the haste he could. Finding he made no attempt to escape, they began to fear a tartar, and cut their cable with intent to run ashore; but he was too quick for them, and immediately clapped them aboard. For about half an hour they made a brave resistance, but, at length, some of them jumping into the hold, Eliot threw his hand grenades after them, which made such havoc, that all which remained alive took to the water, where they were a fair mark for the English shot. From this or a like action, probably took rise a common expression among English soldiers and sometimes English hunters, who, when they have killed an Indian, make their boast of having killed a black duck. Five only reached the shore.

Eliot received three bad wounds, and several of the men were wounded and one killed. Seven vessels, with several hundred quintals of fish, and fifteen of the captives, were recovered from the enemy. They had sent many of the prisoners away, and nine they had killed in cold blood. The Nova Scotia Indians had the character of being more savage and cruel than the other nations.

Robinson retook two vessels, and killed several of the enemy. Five other vessels the Indians had carried so far up the bay, above the harbour of Malagash, that they were out of his reach, and he had not men sufficient to land, the enemy being very numerous.

The loss of so many men enraged them, and they had determined to revenge themselves upon the poor fishermen, above twenty of whom yet remained prisoners at Malagash harbour, and they were all destined to be sacrificed to the manes of the slain Indians. The powowing and other ceremonies were performing, when captain Blin, in a sloop, appeared off the harbour, and made the signal or sent in a token which had been agreed upon between him and the Indians, when he was their prisoner, should be his protection. Three of the Indians went aboard his vessel, and agreed for the ransom both of vessels and captives, which were delivered to him and the ransom paid. In his way to Boston he made prisoners of three or four Indians near Cape-Sables, and about the same time captain Southack took two canoes with three Indians in each, one of which was killed and the other five brought to Boston.

This Nova Scotia affair proved very unfortunate for the Indians. The Massachusetts frontiers afforded them less plunder, but they were in less danger. On the 16th of September, between four and five hundred Indians were discovered upon Arownick island, by a party of soldiers employed as a guard to the inhabitants while at their labour. They immediately made an alarm, by firing some of their guns, and the inhabitants of the island, by this means, had sufficient notice to shelter themselves in the fort or garrison-house, and also to secure part of their goods, before the enemy came upon them.

They fired some time upon the fort and killed one man, after which they fell to destroying the cattle, about fifty head, and plundering the houses, and set fire to twenty-six houses, the flames of which the owners beheld from the fort, lamenting the insufficiency of their numbers to fall out and prevent the mischief.

These were the Indians which put a stop to the march to Penobscot.* There were in the fort about forty soldiers, under captain Robert Temple and captain Penhal-low. Captain Temple was a gentleman, who came over from Ireland with an intent to settle the country with a

great

great number of families from the north of Ireland, but this rupture with the Indians broke his measures, and, having been an officer in the army, colonel Shute gave him a command here. Walton and Harman upon the first alarm made all the dispatch they could, and before night came to the island in two whale-boats with thirty men more. With their joint force the English made an attempt to repel the enemy, but the disproportion in numbers was such, that, in a bush-fight or behind trees, there was no chance, and the English retreated to the fort. The enemy drew off the same night, and passing up Kennebeck river, met the Province sloop, and firing upon her killed the master, Bartholomew Stretton, and then made an attempt upon Richmond fort, and from thence went to the village of Norridgewock, their headquarters.

A man was killed at Berwick, which was the last mischief done by the enemy this first year of the war.

When the general court met in May* next year, no advice had been received of any measures taken by the governor in England. The house chose their speaker and placed him in the chair, without presenting him to the lieutenant governor, which he took no notice of. They continued their claim to a share in the direction of the war, and insisted, that if any proposals of peace should be made by the Indians, they should be communicated to the house and approved by them. They repeated also a vote for a committee of the two houses to meet in the recess of the court, and to settle plans for managing the affairs of the war, which the lieutenant governor was to carry into execution; but in this the council again non-concurred. The lieutenant governor's seal being affixed to a belt given to the delegates from the Iroquois, who came to Boston to a conference, the house passed a resolve "that the seal be defaced, and that the seal of the Province be affixed to the belt, as the committee of the two houses have agreed," and sent the resolve to the council for their concurrence. The council, instead of concurring,

† Colonel Byfield, who had been repeatedly refused by governor Shute, being this year again chosen to the council, the lieutenant governor thought fit to refuse his consent also.

ring, voted, as well they might, that the resolve contained just matter of offence, and therefore they desired the house to withdraw it. This produced another resolve from the house still higher, “that the affixing a private seal* contrary to the agreement of a committee, was a high affront and indignity to them, and therefore they very justly expected the advisers and promoters thereof to be made known to the house. There was a double error in this transaction of the house, the lieutenant governor having the unquestionable right of ordering the form of proceeding in treaties or conferences of this kind, and the house having no authority to direct the king’s seal to be applied to any purpose, the governor being the keeper of the seal; and although in common parlance called the Province seal, which I suppose led to the mistake, yet is, properly speaking, the king’s seal for the use of the Province.

The lieutenant governor took no public exception to any votes of the house this session, which we must presume to be owing to his apprehensions that, in a short time, a full consideration would be had in England of matters of the same nature during colonel Shute’s administration. Before the next session of the general court (Oct. 23d) the agent, Mr. Sanderson, transmitted to the speaker a copy of the heads of complaint exhibited against the house for encroaching upon his majesty’s prerogative in seven instances.

“ 1st. In their behaviour with respect to the trees reserved for masts for the royal navy.

“ 2d. For refusing to admit the governor’s negative upon their choice of a speaker.

“ 3d. Assuming power in the appointment of days for fasting and thanksgiving.

“ 4th. Adjourning themselves to a distant day by their own act.

“ 5th. Dismantling forts, and directing the artillery and warlike stores to other than the custody of the captain general or his order.

“ 6th.

* This was an equivocal expression. It might be called the governor’s private seal, in contradistinction to the king’s seal, of which he is the keeper, but it was used by the governor as a public person, all military commissions, treaties, &c. being in the name of the governor and under his own seal, by virtue of authority derived from the crown. Civil commissions and other instruments, in the king’s name and with the governor’s seal, have the king’s seal, appointed by him for the Province, affixed to them.

"6th. Suspending military officers and refusing their pay.

"7th. Appointing committees of their own to direct and muster his majesty's forces."

The house voted the complaint groundless, and ordered one hundred pounds sterling to be remitted Sanderson, to enable him to employ council to justify the proceedings of the house. The vote being sent to the council was unanimously non-concurred.

The house then prepared an answer to the several articles of complaint, and an address to the king, to which they likewise desired the concurrence or approbation of the council, but they were disapproved and sent back, with a vote or message that, "in faithfulness to the Province, and from a tender regard to the house of representatives, the board cannot but declare and give as their opinion, that the answer is not likely to recommend this government and people to the grace and favour of his majesty, but on the contrary, has a tendency to render us obnoxious to the royal displeasure."

The house, however, ordered the answer and address to be signed by the speaker, and forwarded to Mr. Sanderson, to be improved as they should order.

The council thereupon prepared a separate address to his majesty, and transmitted it to the governor. The non-concurrence of council with these measures of the house was resented, and the house desired to know what part of their answer had a tendency to render the government and people obnoxious. Here the council very prudently avoided engaging in controversy with the house. "It was not their design to enter into a detail, but only to intimate their opinion, that considering the present circumstances of affairs, some better method might be taken than an absolute justification." They had shewn their dissatisfaction with the conduct of the house, in every article which furnished matter for the complaint, except that of the speaker, and did all in their power to prevent them, but, now this conduct was impeached, the arguments used by the council in a dispute with the house might be sufficient to justify the council, and set their conduct

conduct in an advantageous light, but they would strengthen and increase the prejudice against the country in general. This was an instance of public spirit worthy of imitation.

The house then resolved, "that being apprehensive that the liberties and privileges of the people are struck at by governor Shute's memorial to his majesty, it is therefore their duty as well as interest to send some suitable person or persons from hence, to use the best method that may be to defend the constitution and charter privileges." They had no power over the treasury without the council, and therefore sent this vote for concurrence; but it was refused, and the following vote passed in council instead of it. "The liberties and privileges of his majesty's good subjects of this Province being in danger, at this present critical conjuncture of our public affairs at the court of Great Britain, and it being our duty as well as interest to use the best methods that may be in defence of the same, and whereas Jeremiah Dummer, esquire, the agent of this court, is a person of great knowledge and long experience in the affairs of the Province, and has greatly merited of this people by his printed defence of the charter, and may reasonably be supposed more capable of serving us, in this exigence, than any person that may be sent from hence, voted, that the said Mr. agent Dummer be directed to appear in behalf of the province, for the defence of the charter, according to such instructions as he shall receive from this court." This vote plainly intimated, that by the late conduct of the house the charter of the Province was in danger, but the house seem to have overlooked it, and concurred with an amendment, "that Mr. Sanderson, and a person sent from hence, be joined with Mr. Dummer." The council agreed, that a person should be sent home, but refused to join Sanderson. Before the house passed upon this amendment, they made a further trial to obtain an independency of the council, and voted, that there should be paid out of the treasury, to the speaker of the house, three hundred pounds sterling, to be applied as the house should order. Near three weeks were spent in altercations upon this subject between

the

the council and the house; at length it was agreed, that one hundred pounds should be at the disposal of the house, and two hundred to be paid to such agents as should be chosen by the whole court. The house were in arrears to Sanderson, which they wanted this money to discharge, and then were content to drop him.*

The manner of choosing civil officers had been by a joint vote or ballot of council and house. This gives a great advantage to the house, who are four times the number of the board. But to be more sure of the person the majority of the house were fond of, they chose Mr. Cooke for agent, and sent the vote to the board for concurrence. The council non-concurred, and insisted on proceeding in the usual way, which the house were obliged to comply with. The choice, however, fell upon the same person, and he sailed for London the 18th of January.

Colonel Westbrooke, with two hundred and thirty men, set out from Kennebeck the 11th of February this year, with small vessels and whale-boats, and ranged the coast, as far east as Mount Desart. Upon his return, he went up Penobscot river, where, about thirty-two miles from the anchoring place of the transports, he discovered the Indian castle or fortress, walled with stockadoes, about seventy feet in length and fifty in breadth, which inclosed twenty-three well-finished wigwams. Without, was a church sixty feet long and thirty broad, very decently finished within and without; also a very commodious house in which the priest dwelt. All was deserted, and all the success attending this expedition was the burning the village. The forces returned to St. George's the 20th of March.

Captain Harman was intended, with about one hundred and twenty men, for Norridgewock, at the same time, and set out the 6th of February; but the rivers were so

open

* I have a paper, which I suppose was given to the lords chief justices and the attorney and solicitor general, before the draught of the Province charter was settled, and which contains a variety of proposals for alterations and additions, each of which are marked in the margin with a hand that resembles Sir George Treby's, some are said to be *already done*, others marked *Qu.* some *intended*, and some to be *proposed*; among the latter I find the following. "The assembly or representatives of the people to have power to appoint and maintain agents on their behalf in England, allowing them six hundred pounds per annum, though the governor should not consent thereto."

open and the ground so full of water, that they could neither pass by water nor land, and having with great difficulty reached to the Upper Falls of Amascoggin, they divided into scouting parties, and returned without seeing any of the enemy.

An attempt was made to engage the Six Nations and the Scatacook Indians in the war, and commissioners* were sent to Albany, empowered to promise a bounty for every scalp if they would go out against the enemy, but they had no further success than a proposal to send a large number of delegates to Boston.

The commissioners for Indian affairs in Albany had the command of the Six Nations, and would not have suffered them to engage in war if they had inclined to it. The Massachusetts commissioners were amused, and a large sum was drawn from the government in valuable presents to no purpose. No less than sixty-three Indians came to Boston, August 21st, the general court then sitting. A very formal conference was held with them in the presence of the whole court, but the delegates would not involve their principals in war; if any of their young men inclined to go out, with any parties of the English, they were at liberty, and might do as they pleased. Two young fellows offered their service and were sent down to fort Richmond on Kennebeck river. Captain Heath, the commander, ordered his ensign (Coleyby) and three of the garrison to go up the river with them. After they had travelled a league from the fort, they judged by the smell of fire that a party of the enemy must be near. The Mohawks would go no further until they were strengthened by more men, and sent to the fort for a whale-boat, with as many men as she could carry. Thirteen men were sent, and soon after they had joined the first party, about thirty of the enemy appeared, and after a smart skirmish, fled to their canoes, carrying off two of their company dead or so badly wounded as to be unable to walk, and leaving their packs behind. Coleby, who commanded the party, was killed, and two others wounded. The Mohawks had enough of the service, and could not be prevailed

* William Tailler and Spencer Phips, esquires.

vailed on to tarry any longer, and were sent back to Boston.

Small parties of the enemy kept the frontiers in constant terror, and now and then met with success.

In April, they killed and took eight persons at Scarborough and Falmouth. Among the dead, was the serjeant of the fort, Chubb, whom the Indians took to be captain Harman, and no less than fifteen of them aimed at him at the same time, and lodged eleven bullets in his body. This was lucky for the rest, many more escaping to the fort than would otherwise have done. In May, they killed two at or near Berwick, one at Wells, and two travelling between York and Wells. In June, they came to Roger Dering's garrison at Scarborough, killed his wife, and took three of his children as they were picking berries, and killed two other persons. In July, Dominicus Jordan, a principal inhabitant and proprietor of Saco, was attacked in his field by five Indians, but keeping his gun constantly presented, without firing, they did not care to close in with him, and after receiving three wounds he recovered the garrison. In August, the enemy appeared westward, and the 13th killed two men at Northfield, and the next day, a father and four of his sons, making hay in a meadow at Rutland, were surprised by about a dozen Indians. The father escaped in the bushes, but the four sons fell a prey to the enemy. Mr. Willard, the minister of Rutland, being abroad, armed, fell into their hands also, having killed one and wounded another before he was slain himself. The last of the month, they killed a man at Cochecho, and killed or carried away another at Arundel. The 11th of October, about seventy of the enemy attacked the block-house above Northfield, and killed and wounded four or five of the English. Colonel Stoddard marched immediately with fifty men from Northampton to reinforce Northfield, fifty men belonging to Connecticut having been drawn off the day before. Justice should be done to the government of Connecticut. Their frontiers were covered by Massachusetts, and if they had not contributed to the charge of the war, it was not probable that the Massachusetts people

people would have drawn in and left Connecticut frontiers exposed. Nevertheless, they generally, at the request of Massachusetts, sent forces, every year during the summer, in this and former wars, and paid their wages, the provisions being furnished by this government.

In October, the enemy surprised one Cogswell and a boat's crew which were with him at Mount Defart. December 25th, about sixty Indians laid siege to the fort at Muscongus or St. George's. They surprised and took two of the garrison, who informed them the fort was in a miserable condition; but the chief officer there, — Kennedy, being a bold, resolute man, the garrison held out until colonel Westbrooke arrived, with force sufficient to scatter the besiegers and put them to flight.

This summer also, July 14th, the Indians surprised one captain Watkins, who was on a fishing voyage at Canso, and killed him and three or four of his family upon Durrell's island.

Douglas and other writers applaud the administration for conducting this war with great skill. The French could not join the Indians, as in former wars. Parties of the English kept upon the march, backwards and forwards, but saw no Indians. Captain Moulton went up to Norridgewock, and brought away some books and papers of the Jesuit Rallé, which discovered that the French were the instigators of the Indians to the war, but he saw none of the enemy. He came off without destroying their houses and church. Moulton was a discreet as well as brave man, and probably imagined this instance of his moderation would provoke, in the Indians, the like spirit towards the English.*

The

* Doctor Increase Mather, who made a considerable figure in the first part of our history, died at Boston August 23d, 1723, in the 85th year of his age. He had been a preacher sixty-six years, and a minister of the same church sixty-two years together, was many years president of Harvard college, but rendered himself most conspicuous in the character of agent for the Province in England, where his labours and services for several years were very great, and his reward very small.

August 25. A Nipmug Indian, John Quittamug, came to Boston, and was entertained by several gentlemen who accounted him a great prodigy. Forty years before, he had been remarked as an old Indian, and must now have been above one hundred and twelve years of age. He constantly affirmed that in the year 1630, upon a message from the English that they were in want of corn, soon after their arrival, he went with his father to Boston and carried from the Nipmug country a

The next year was unfavourable to the English in the former part of it, and our losses, upon the whole, exceeded those of the enemy ; but a successful stroke or two against them, in the course of the year, made them weary of war, and were the means of an accommodation. The 23d of March they killed —— Smith, serjeant of the fort at Cape Porpoise. In April, one Mitchell was killed at Black-point, and two of his sons taken ; and about the same time John Felt, William Wormwell and Ebenezer Lewis were killed at a saw-mill on Kennebeck river, and one Thomson at Berwick met with the same fate in May, and one of his children was carried into captivity, another child was scalped and left on the ground for dead, but soon after was taken up and carried home alive. In the same month, they killed elder Knock, at Lamprey river, George Chesley, and a young woman at Oyster-river, as they were going home from public worship, and took prisoners a man and three boys at Kingston. The beginning of June, a scout of thirty men, from Oyster-river, were attacked before they left the houses, and two men were shot down. The rest ran upon the Indians and put them to flight, leaving their packs and one of their company who was killed in the skirmish. One Englishman was killed and two taken prisoners at Hatfield, another, with a friend Indian and their horses, were killed between Northfield and Deersfield.

This month, news was brought to Boston of the los of captain Josiah Winslow* and thirteen of his company, belonging to the fort at St. George's river. There went

out

bushel and an half of corn all the way upon his back, that there was then only one cellar began in the town, and that somewhere near the common. He was in good health, his understanding and memory entire, and travelled on foot ten miles a day. He lived near the town of Woodstock. His journey to Boston proved as fatal to him as old Thomas Parr's journey to London, surviving it a very short time after his return home, having been feasted by some of the principal gentlemen here as Parr had been at London.

* Captain Winslow was a young gentleman who had just left the college, but having a mind formed for action, engaged in the service of his country and lost his life. His father was then of the council. His grandfather, for many years, and his great-grandfather for two years, were governors of Plymouth colony. The latter, as we observed in the first part of our history, died a commissioner under Cromwell. General Winslow, who had the command of the provincial forces at Fort Edward in 1757, is younger brother to captain Winslow, and possesses the same martial spirit.

out seventeen men in two whale-boats, April 30. The Indians, it seems, watched their motions, and waited the most convenient time and place to attack them. The next day, as they were upon their return, they found themselves on a sudden surrounded with thirty canoes, whose complement must be an hundred Indians. They attempted to land, but were intercepted, and nothing remained but to sell their lives as dear as they could. They made a gallant defence, and the bravery of the captain was, in an especial manner, applauded. Every Englishman was killed. Three Indians, I suppose of those called the Cape-Ann Indians, who were of the company, made their escape, and carried to the fort the melancholy news.

Encouraged by this success, the enemy made a still greater attempt by water, seized two shallop at the Isles of Shoals, and afterwards other fishing vessels in other harbours, and among the rest a large schooner, with two swivel guns, which they manned, and cruised about the coast. A small force was thought sufficient to conquer these raw sailors, and the lieutenant governor commissioned doctor Jackson, of the Province of Maine, in a small schooner with twenty men, and Silvanus Lakeman, of Ipswich, in a shallop with sixteen men, to go in quest of them. They soon came up with them, and not long after returned, with their rigging much damaged by the swivel guns, and Jackson and several of his men wounded, and could give no other account of the enemy than that they had gone into Penobscot.

The Seahorse man-of-war, captain Durell, being then upon the Boston station, the lieutenant, master and master's mate, each of them took the command of a small vessel with thirty men each, and went after the Indians; but it is probable they were soon tired of this new business, for they were not to be found, nor do we meet with any further intelligence about them. They took eleven vessels, with forty-five men, twenty-two of whom they killed, and carried twenty-three into captivity.

At Groton they killed one man, and left dead one of their own number. August 3d, they killed three, wounded

ed one, and made another prisoner at Rutland. The 6th, four of them came upon a small house in Oxford, which was built under a hill. They made a breach in the roof, and, as one of them was attempting to enter, he received a shot in his belly from a courageous woman, the only person in the house, but who had two muskets and two pistols charged, and was prepared for all four; but they thought fit to retreat, carrying off the dead or wounded man. The 16th, a man was killed at Berwick, another wounded, and a third carried away. The 26th, one was killed and another wounded at Northampton, and the 27th, the enemy came to the house of John Hanson, one of the people called Quakers, at Dover, and killed or carried away his wife, maid and six children, the man himself being at the Friends' meeting.*

Discouraged with the ineffectual attempts to intercept the enemy, by parties of our forces marching upon the back of the frontiers, another expedition was resolved upon, in order to surprise them in their principal village at Norridgewock.

Four companies, consisting in the whole of two hundred and eight men, were ordered up the river Kennebeck, under captain Harman, captain Moulton, captain Bourn and lieutenant Bean. Three Indians of the Six Nations were prevailed with to accompany our forces. The different accounts given by the French and English of this expedition may afford some entertainment. Charlevoix, who I suppose was about that time in Canada, and might receive there or from thence the account given by the Indians themselves, relates it in this manner.

"The 23d of August, † 1724, eleven hundred men, part English, part Indians, came up to Norridgewock. The thickets with which the Indian village was surrounded, and the little care taken by the inhabitants to prevent a surprise, caused that the enemy were not discovered until the very instant when they made a general discharge

of

* Hanson went afterwards to Canada, and redeemed his wife, three of his children, and the maid. Two of his sons were killed, a daughter of seventeen years of age he was obliged to leave in their hands. The Indians would permit him to see and converse with her, but would not part with her upon any terms. Distrusting enough!

† 12th Old Style.

of their guns, and their shot had penetrated all the Indian wigwams. There were not above fifty fighting men in the village. These took to their arms and ran out in confusion, not with any expectation of defending the place against an enemy who were already in possession, but to favour the escape of their wives, their old men and children, and to give them time to recover the other side of the river, of which the English had not then possessed themselves.

“ The noise and tumult gave father Rallé notice of the danger his converts were in. Not intimidated, he went to meet the enemy, in hopes to draw all their attention to himself, and secure his flock at the peril of his own life. He was not disappointed. As soon as he appeared, the English set up a great shout, which was followed by a shower of shot, and he fell down dead near to a cross which he had erected in the midst of the village, seven Indians, who accompanied him to shelter him with their own bodies, falling dead round about him. Thus died this kind shepherd, giving his life for his sheep, after a painful mission of thirty-seven years. The Indians, who were all in the greatest consternation at his death, immediately took to flight and crossed the river, some swimming and others fording. The enemy pursued them, until they had entered far into the woods, where they again gathered together to the number of an hundred and fifty.* Although more than two thousand shot had been fired upon them, yet there were no more than thirty killed and fourteen wounded. The English, finding they had nobody left to resist them, fell first to pillaging and then burning the wigwams. They spared the church, so long as was necessary for their shamefully profaning the sacred vessels and the adorable body of Jesus Christ, and then set fire to it. At length they withdrew, with so great precipitation that it was rather a flight, and they seemed to be struck with a perfect panic. The Indians immediately returned to their village, where they made it their first care to weep over the body of their holy missionary, whilst their women were looking out for herbs and plants

for

* He must mean men, women and children, if there were but fifty fighting men in all.

for healing the wounded. They found him shot in a thousand places, scalped, his skull broke to pieces with the blows of hatchets, his mouth and eyes full of mud, the bones of his legs fractured, and all his members mangled an hundred different ways. Thus was a priest treated in his mission, at the foot of a cross, by those very men who have so strongly exaggerated the pretended inhumanity of our Indians, who have never made such carnage upon the dead bodies of their enemies. After his converts had raised up and oftentimes kissed the precious remains, so tenderly and so justly beloved by them, they buried him in the same place where, the evening before, he had celebrated the sacred mysteries, namely, where the altar stood, before the church was burnt."

Besides the great error in the number of the English forces, there are many embellishments in this relation in favour of the Indians, and injurious to the English. Not satisfied with the journal alone which was given in by captain Harman, I took from captain Moulton as minute and circumstantial an account as he could give* of this affair.

The forces left Richmond fort, on Kennebeck river, the 8th of August, O. S. The 9th, they arrived at Taconick, where they left their whale-boats, with a lieutenant and forty of the two hundred and eight men to guard them. With the remaining forces, the 10th, they began their march by land for Norridgewock. The same evening, they discovered and fired upon two Indian women; one of them, the daughter of the well-known Bomazeen, they killed; the other, his wife, they took prisoner. From her, they received a full account of the state of Norridgewock. The 12th, a little after noon, they came near to the village. It was supposed that part of the Indians might be at their corn-fields, which were at some distance, and therefore it was thought proper to divide this small army. Harman, with about eighty men, chose to go by the way of the fields, and Moulton, with as many more, were left to march straight to the village, which about three o'clock suddenly opened upon them. There was not an Indian to be seen, being all in

their wigwams. Our men were ordered to advance softly, and to keep a profound silence. At length an Indian came out of one of the wigwams, and as he was making water looked round him, and discovered the English close upon him. He immediately gave the war whoop, and ran in for his gun. The whole village, consisting of about sixty warriors, besides old men, women and children, took the alarm, and the warriors ran to meet the English, the rest fled to save their lives. Moulton, instead of suffering his men to fire at random through the wigwams, charged every man not to fire, upon pain of death, until the Indians had discharged their guns. It happened as he expected; in their surprise they overshot the English, and not a man was hurt. The English then discharged in their turn, and made great slaughter, but every man still kept his rank. The Indians fired a second volley, and immediately fled towards the river. Some jumped into their canoes, but had left their paddles in their houses; others took to swimming, and some of the tallest could ford the river, which was about sixty feet over, and the waters being low, it was no where more than six feet deep. The English pursued, some furnished themselves with paddles, and took to the Indian canoes which were left, others waded into the river. They soon drove the Indians from their canoes into the river, and shot them in the water, and they conjectured that not more than fifty of the whole village landed on the other side, and that some of them were killed before they reached the woods.

The English then returned to the town, where they found the Jesuit, in one of the wigwams, firing upon a few of our men, who had not pursued after the enemy. He had an English boy in the wigwam with him, about fourteen years of age, who had been taken about six months before. This boy he shot through the thigh, and afterwards stabbed in the body, but by the care of the surgeons he recovered. I find this act of cruelty in the account given by Harman upon oath. Moulton had given orders not to kill the Jesuit, but, by his firing from the wigwam, one of our men being wounded, a lieutenant, Jaques, stoe open the door and shot him through the head.

head. Jaques excused himself to his commanding officer, alleging that Rallé was loading his gun, when he entered the wigwam, and declared that he would neither give nor take quarter. Moulton allowed that some answer was made by Rallé which provoked Jaques, but doubted whether it was the same as reported, and always expressed his disapprobation of the action. Mog, a famous old chief among the Indians, was shut up in another wigwam, and firing from it killed one of the three Mohawks. His brother was so enraged that he broke down the door and shot Mog dead. The English, in their rage, followed and killed the poor squaw and two helpless children. Having cleared the village of the enemy, they then fell to plundering and destroying the wigwams. The plunder of an Indian town consisted of but a little corn, it being not far from harvest, a few blankets, kettles, guns, and about three barrels of powder, all which was brought away. New England Puritans thought it no sacrilege to take the plate from an idolatrous Roman Catholic church, which I suppose was all the profaneness offered to the sacred vessels. There were some expressions of zeal against idolatry, in breaking the crucifixes and other imagery which were found there.* The church itself, a few years before, had been built by carpenters from New England. Beaver and other Indian furs and skins set up the church, and a zeal against a false religion destroyed the ornaments of it.

Harman and the men who went to the corn-fields did not come up till near night, when the action was over. They all, of both parties, lodged in the wigwams, keeping a guard of forty men. The next morning, they found twenty-six dead bodies, besides that of the Jesuit, and had one woman and three children prisoners. Among the dead were Bomazeen, Mog, Job, Carabesett, Wissememett, and Bomazeen's son-in-law, all noted war-

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riors.

* When Sir Edmund Andros was governor, in 1688, in a voyage eastward in the Rose frigate, he put in to Penobscot, and finding that Castine had fled, he entered his house and seized and brought away a quantity of arms, ammunition and goods, which were lodged there for supplies to the Indian enemy, but an altar with pictures and other ornaments he left untouched. This might cause suspicions of his being a favourer of Popery, but a good Protestant would not have been culpable for the same tenderness.

riors. They marched early for Taconick, being in some pain for their men and whale-boats, but found all safe. Christian, one of the Mohawks, was sent, or of his own accord returned, after they had begun their march, and set fire to the wigwams and to the church, and then joined the company again. The 16th, they all arrived at Richmond fort. Harman went to Boston with the scalps, and, being the chief in command, was made a lieutenant colonel for an exploit in which Moulton was the principal actor, who had no distinguishing reward, except the applause of the country in general.* This has often been the case in much more important services. The Norridgewock tribe never made any figure since this blow.

Encouraged by this success, colonel Westbrooke was ordered to march with three hundred men across from Kennebeck to Penobscot, which he performed with no other advantage than exploring the country, which before was little known. Other parties were ordered up Amaseconti and Amarescoggan, and a second attempt was made upon Norridgewock, but no Indians were to be found.

The frontiers, however, continued to be infested. September the 6th, an English party of fourteen went from Dunstable in search of two men who were missing. About thirty Indians lay in wait, and shot down six and took three prisoners. A second party went out and lost two of their number. The western frontier seems to have been better guarded, for, although often alarmed, they were less annoyed.

The government increased the premium for Indian scalps and captives to one hundred pounds. This encouraged John Lovewell to raise a company of volunteers, to go out upon an Indian hunting. January 5th, he brought to Boston a captive and a scalp, both which he met with above forty miles beyond Winnepesaukee lake. Going out a second time, he discovered ten Indians round a fire, all asleep.† He ordered part of his company to fire, who killed

* Captain Moulton afterwards was, many years together, a member of the council, colonel of a regiment in the expedition to Cape Breton in 1745, and with reputation sustained the first military and civil offices in the county of York. He died at York, in the year 1765.

[† Near a pond in Easttown, since called Lovel's pond.]

killed seven, the other three, as they were rising up, were sent to rest again by the other part of the company reserved for that purpose. The ten scalps were brought to Boston the 9th of March. Emboldened by repeated success, he made a third attempt, and went out with thirty-three* men. Upon the 8th of May they discovered an Indian upon a point of land which joined to a great pond or lake.† They had some suspicion that he was set there to draw them into a snare, and that there must be many Indians near, and therefore laid down their packs, that they might be ready for action, and then marched near two miles round the pond to come at the Indian they had seen. The fellow remained,‡ although it was certain death to him, and when the English came within gun shot, discharged his piece, which was loaded with beaver shot, and wounded Lovewell and one of his men, and then immediately fell himself and was scalped. His name ought to have been transmitted, as well as that of M. Curtius, who jumped into the gulf or chasm upon less rational grounds to save his country.

The Indians, who lay concealed, seized all the English packs, and then waited their return at a place convenient for their own purpose. One of the Indians being discovered, the rest, being about eighty, rose, yelled and fired, and then ran on with their hatchets with great fury. The English retreated to the pond to secure their rear, and, although so unequal in numbers, continued five or six hours till night came on. Captain Lovewell, his lieutenant Farwell, and ensign Robbins were soon mortally wounded, and, with five more, were left dead on the spot. Sixteen escaped and returned unhurt, but were obliged to leave eight of their wounded companions in the woods without provisions; their chaplain, Mr. Fry of Andover, was one, who had behaved with great bravery, and scalped one Indian in the heat of the action, but perished himself for want of relief.

One

[* Penhallow says he had forty-four men; Symmes says forty-six, but reduced to thirty-four by accidents.]

[† Pigwacket.]

[‡ This is a mistake; they met him going home; he had been there a fishing and fowling, and has no pretension to the character of an hero.]

One of the eight afterwards came in to Berwick, and another to Saco. This misfortune discouraged scalping parties. But Indians as well as English wished to be at peace. After Ralle's death, they were at liberty to follow their inclinations. The Penobscot tribe, however, being best disposed, were first sounded. An Indian hostage and a captive were permitted, upon their parole, to go home in the winter of 1724, and they came back to the fort at St. George's the 9th of February, accompanied with two of the tribe, one a principal sachem or chief. They brought an account that, at a meeting of the Penobscots, it was agreed to make proposals of peace. The sachem or chief was sent back, with the other Indian, and promised to return in twenty-three days and bring a deputation, to consist of several other chiefs with him; but captain Heath, having gone out upon a march from Kennebeck, across the country, to Penobscot, fell upon a deserted village of about fifty Indian houses, which he burned, but saw none of the inhabitants. The Indians who went from St. George's knew nothing of this action until they came home, and it seems to have discouraged them from returning according to their promise, and the treaty by this means was retarded. But upon new intimations, in June following, John Stoddard and John Wainwright, esquires, were commissioned by the lieutenant governor and sent down to St. George's, to treat with such Indians as should come in there and settle preliminaries of peace.

A cessation of arms was agreed upon,* and four delegates came up soon after to Boston, and signed a treaty of peace,

* The treaty had like to have been prevented by the indiscretion of the crew of an English sloop. July 9th, as Castin was at anchor near Neskett, in a small bark, with an Indian boy and an English lad, Samuel Trask of Salem, whom Castin had redeemed from the Indians; the English firing upon the bark, Castin was obliged to quit her, and with his two boys fled into the woods. The master of the English vessel called to him and engaged to do him no harm, if he would come back and trade with him, which was his business there, and not only kept out a white flag but sent him a passport or safe conduct in writing. Having by these assurances drawn him aboard his vessel again with the two boys, they secured the captive, and told Castin they would give him a bag of biscuit for the ransom of the captive, but that the vessel and every thing on board was lawful prize. He was obliged, with his Indian, to quit the vessel, which he was told was a favour, and it seems was soon repented of; for one of the English seized the Indian, upon which Castin fired and shot the Englishman dead, and then made his escape with the Indian into the woods.

—*Garrison's letter to Mr. Dummer, 23d July, 1725.*

peace, and the next year, the lieutenant governor in person, attended by gentlemen of the court and others, and the lieutenant governor of New Hampshire, with gentlemen from that province, ratified the same at Falmouth in Casco Bay. This treaty has been applauded as the most judicious which has ever been made with the Indians. A long peace succeeded it.*

The pacific temper of the Indians, for many years after, cannot be attributed to any peculiar excellency in this treaty, there being no articles in it of any importance, differing from former treaties. It was owing to the subsequent acts of government in conformity to the treaty. The Indians had long been extremely desirous of trading houses to supply them with necessaries and to take off their furs, skins, &c. This was promised by governor Shute, at a conference, but the general court at that time would make no provision for the performance. Mr. Dummer promised the same thing. The court then made provision for trading houses at St. George's, Kennebeck and Saco rivers, and the Indians soon found that they were supplied with goods upon better terms than they could have them from the French, or even from private English traders. Acts or laws were made, at the same time, for restraining private trade with the Indians, but the supplies, made by the Province at a cheaper rate than private traders could afford, would have broke up their trade without any other provision, and laws would have signified little without that. Mr. Dummer engaged that the Indians should be supplied with goods at as cheap rates as they were sold in Boston. This was afterwards construed favourably for the government. The goods, being bought by wholesale, were sold to the Indians at the retail price, in Boston, and a seeming profit, by the commissary's account, accrued to the government; but, when the charge of trading-houses, truck-masters, garrisons, and a vessel employed in transporting goods was deducted, the Province

* Besides Mr. Dummer, lieutenant governor of Massachusetts, John Wentworth, esquire, lieutenant governor of New Hampshire, and Paul Mascarene, esquire, one of the council and a commissioner of the government of Nova Scotia, were parties to this treaty.

In October, 1725, died at Ipswich Samuel Appleton, esquire, of the council.

ince was still a tributary to the Indians every year. However, it was allowed to be a well-judged measure, tended to preserve peace, and was more reputable than if a certain pension had been every year paid for that purpose.

Delegates from all the tribes of Indians, particularly the Norridgewocks, not having been present at this first treaty, another was thought necessary the next year, when the former was renewed and ratified. It was most acceptable to the Indians to hold their treaties near their own settlement ; and, in a proper season of the year, it was an agreeable tour to the governors or commanders in chief and the gentlemen accompanying them.

To bring this war to a close, we have passed over the other affairs of the government for a year or two past. Soon after Mr. Cooke's arrival in London, governor Shute exhibited a second memorial against the house of representatives, for matters transacted after he left the province. The principal articles of complaint were the several orders relative to the forts and forces, which, he says, the house had taken out of the hands of the lieutenant governor, and the affront offered to the lieutenant governor in ordering his seal to be effaced upon the belt of wampum. Several other things seem to be brought in to increase the resentment against them, as their choosing Mr. Cooke, who had been at the head of all the measures complained of in the first memorial, for their agent ; their refusing to confer with the council upon a money bill ; their endeavouring by their votes to lessen the members of the council in the esteem of the people ; their withholding his salary in his absence ; and their assuming more and more the authority of government into their hands. The council, in this memorial, are also complained of, they having put their negative to the vote for choosing Mr. Cooke, and yet afterwards joined in election with the house, when they had reason to suppose, by the great superiority of the house in number, that he would be the person.

Mr. agent Dummer, who was to act jointly with Mr. Cooke, made an attempt to reconcile the governor to him, but he refused to see him, and the attempt offended

Mr.

Mr. Cooke also, and occasioned warm discourse between him and Dummer, which caused the latter to refuse to act in concert ; especially as Mr. Cooke had shewn him a private instruction from the house, by which their defence against the charge of invading the royal prerogative was committed to Mr. Cooke and Mr. Sanderson, to the exclusion of Mr. Dummer.

After divers hearings upon the subject matter of the complaints, the reports of the attorney and solicitor general, of the lords committee, and finally the determination of his majesty in council, were all unfavourable to the house of representatives.*

The several acts or votes of the house relative to the king's woods, and to the forts and forces, seem to have been generally deemed indefensible ; the agents were advised to acknowledge them to be so, and it was so far relied upon that they would be so acknowledged in the Province, as that no special provision was thought necessary for the regulation of their future conduct, the charter being express and clear. But the governor's power to negative the speaker, and the time for which the house might adjourn, were points not so certain. What was called an explanatory charter was therefore thought necessary, and such a charter accordingly passed the seals. By this charter, the power of the governor to negative a speaker is expressly declared, and the power of the house to adjourn themselves is limited to two days. With respect to the latter, perhaps, this new charter may properly enough be called explanatory, the governor having the power, by the principal charter, of adjourning the assembly, and yet, from the nature of the thing, it was necessary that the house, a part of that assembly, should have the power of adjourning themselves for a longer or shorter time ; but the power of negativing a speaker seems to be a new article, wherein the charter is silent ; so that whatever right it might be apprehended the king had to explain his own patents where there was ambiguity, yet when an alteration is to be made in the charter, or a new rule established in any point wherein the charter is silent,

the

the acceptance of the people, perhaps, is necessary. This seems to have been the reason of leaving it to the option of the general court, either to accept or refuse the explanatory charter. It was intimated at the same time that, if the charter should be refused, the whole controversy between the governor and the house of representatives would be carried before the parliament. Had the two points mentioned in the explanatory charter, or the conduct of the house relative to them, been all that was to be carried into parliament, the general court probably would not have accepted this charter. They would have urged that it was not certain that a house of commons would have determined that the king, by his governor, had a right to negative the speaker of a house of representatives in the colonies, especially as the attorney general had inferred this right from the right of negativing the speaker of the house of commons; but it was their misfortune, that in the other articles of complaint the house was generally condemned in England, the ministry were highly incensed, and it was feared the consequence of a parliamentary inquiry would be an act to vacate the charter of the Province. The temper of the house was much changed, and although there were several members who had been active in all the measures which brought this difficulty upon the country, still resolute to risque all, rather than by their own act give up any one privilege, yet a major vote was carried in the house for accepting the charter, and in such terms as would induce one to imagine it rather the grant of a favour than the deprivation of a right.* It has been said that the English are Islanders,

and

* January 15, 1725.—*In the house of representatives.*

WHEREAS his honour the lieutenant governor hath laid before this court in their present session, for their acceptance, an explanatory charter received from his grace the duke of Newcastle, with a copy of his majesty's order in council concerning the same, wherein his majesty has been pleased to confirm the charter granted by their late majesties king William and queen Mary, in which former charter there being no express mention made relating to the choice of a speaker and the house's power of adjourning, to both which points, in the said explanatory charter, his majesty has been pleased to give particular directions: We his majesty's loyal and dutiful subjects, being very desirous to signalize our duty and obedience, which we at all times owe, to his most excellent majesty, have and do hereby accept of the said explanatory charter, and shall act in conformity thereto for the future, not doubting but that we shall thereby recommend his majesty's loyal and dutiful subjects, the inhabitants of this Province, to his further most gracious favour and protection.

In council. Read and concurred.

Consented to. Wm. Dummer.

and therefore inconstant. Transplanted to the continent they are, nevertheless, Englishmen. When we reflect upon the many instances of frequent sudden changes, and from one extreme to the other, in ancient times, in the parliament of England, we may well enough expect, now and then, to meet with the like instances in the assemblies of the English colonies. This was the issue of the unfortunate controversy with governor Shute, unless we allow that it was the occasion also of the controversy with his successor, which is not improbable.

The governor was offended with Mr. Dummer, for receiving grants from the court made to him for his service as commander in chief, it being expected that when the governor is absent with leave, his salary should be continued, one half of which, by a royal instruction, is to be allowed to the lieutenant governor; but the house took a more frugal method and made grants, of little more than one half the governor's usual salary, to the lieutenant governor immediately, any part of which he could very ill afford to spare from his own support. His pacific measures and accommodation or suspension of some of the controverted points, might be another cause of coldness, at least between the governor and him.

Another affair occasioned a mark of royal displeasure upon the lieutenant governor. Synods had been frequent under the first charter, either for suppressing errors in principles, or immoralities in practice, or for establishing or reforming church government and order; but under the new charter, no synod had ever been convened. A convention of ministers had been annually held at the time for election of the council. This might have been in many respects useful, but it was thought could not have that weight for promoting any of the forementioned purposes which a synod convened, and, perhaps, their result ratified by the government, would have. There were divers ancient members in both houses who had not then lost their affection for the platform, and an application* made

* To the very honourable William Dummer, esquire, lieutenant governor and commander in chief. To the honourable the counsellors. To the honoured the representatives in the great and general court of his majesty's Province of Massachusetts,

made by the ministers for calling a synod was granted in council, but the house did not concur. Afterwards, by a vote of both houses, it was referred to the next session, to which the lieutenant governor gave his consent. Opposition was made by the Episcopal ministers, but a doubt of success, in the Province, caused them to apply in England, I suppose to the bishop of London.† The king being abroad, an instruction came from the lords justices to surcease all proceedings, and the lieutenant governor received a reprimand for "giving his consent to a vote of reference, and neglecting to transmit an account of so remarkable a transaction." A stop was put to any further proceeding in the affair, nor has any attempt for a synod been made since.

The remainder of Mr. Dummer's short administration was easy to him. The war being over, the principal ground

Massachusetts, assembled and now sitting. A memorial and address humbly presented.

*At a general convention of ministers from several parts of the Province at Boston,
May 27, 1725.*

CONSIDERING the great and visible decay of piety in the country, and the growth of many miscarriages, which we fear may have provoked the glorious Lord in a series of various judgments wonderfully to distress us. Considering also the laudable example of our predecessors to recover and establish the faith and order of the gospel in the churches, and provide against what immoralities may threaten to impair them in the way of general synods convened for that purpose; and considering that about forty-five years have now rolled away since these churches have seen any such conventions—It is humbly desired that the honoured general court would express their concern for the interests of religion in the country, by calling the several churches in the Province to meet by their pastors and messengers in a synod, and from thence offer their advice upon that weighty case which the circumstances of the day do loudly call to be considered—*What are the miscarriages whereof we have reason to think the judgments of Heaven, upon us, call us to be more generally sensible, and what may be the most evangelical and effectual expedients to put a stop unto those or the like miscarriages?* This proposal we humbly make in hopes that, if it be prosecuted, it may be followed with many desirable consequences, worthy the study of those whom God has made and we are so happy to enjoy as the nursing fathers of our churches.

Cotton Mather,

In the name of the ministers assembled in their general convention.

† "I must acquaint you that the bishop of London has laid before the lords justices a written authentic copy of our ministers' memorial to the general court to empower them to meet and act in a synod, consented to by the lieutenant governor, and their excellencies are very much displeased with his conduct herein. It is thought here that the clergy should not meet in so public and authoritative a manner without the king's consent as head of the church, and that it would be a bad precedent for Dissenters here to ask the same privilege, which, if granted, would be a sort of vying with the established church. It has also been insinuated that this synod would have come to some resolutions to the prejudice of the church of England, if they had been permitted to convene. However this may be, it is certainly my duty to apprise the assembly of it, for their better direction in the approaching session, when, I suppose, the matter will be resumed."—*Dummer's letter, 1st Sept. 1725.*

ground of dispute, the ordering the forces, ceased. Other affairs relative to the treasury, the passing upon accounts and the form of supplies, he suffered to go on according to the claim of the house. Mr. Cooke, the first election after his return from England, May, 1726, was chosen of the council. This was a mark of the house's approbation of his conduct in the agency, although it had not been attended with success. The lieutenant governor did not think it convenient to offend the house by a negative. The small allowance made him as a salary, about two hundred and fifty pounds sterling per annum, he also acquiesced in for the sake of peace. The governor was expected by almost every ship for a year or two together, but by some means or other was delayed until the summer of 1727, when he was upon the point of embarking, but the sudden death of the king prevented.* The principal cause of delay seems to have been the insufficiency of the salary which had been granted for his support, and the uncertainty whether the assembly would make an addition to it.†

Upon the accession of King George II. a gentleman who, it is said, was in particular esteem with the king himself, was appointed governor of New York and the Jerseys, in the room of Mr. Burnet, whose administration had, in general, been very acceptable to those colonies,

and

* "I do not know where or on board what ship the governor intends to embark for his government. He says he won't go but in a man-of-war, for fear of meeting a pirate; but as there is no prospect of a king's ship going this year to any part of the continent, I believe he will think better of it, and take his passage in captain Cary, who will sail in about a month." — *Dummer's letter, 23d April, 1727.*

† "Colonel Shute having petitioned his majesty in council to settle a suitable salary on him and all the succeeding governors of New England, the lords of the privy council, instead of sending me a written message to attend, as is usual in other cases, made a peremptory order of the 18th of February last, requiring me to attend their board on the Wednesday following, and not to fail on any pretence whatsoever. When I came, the lords sent for colonel Shute to go in by himself, and after, for me and Mr. Newman, the agent for New Hampshire. They asked whether, if his majesty should think fit to send Mr. Shute back again to his government, I believed the country would receive and support him handsomely. To this I answered, that I had no instructions upon this subject, but my private opinion was that they would: for they who had lately in so dutiful a manner accepted the royal explanatory charter, would not fail to show a proper regard to any person whom his majesty should please to send over as his representative, of which my lord Townshend particularly expressed his satisfaction. There was not a word said as to the quantum of the salary, but I find since it is stated at 1000l. sterl. per annum for Massachusetts, and 200l. for New Hampshire, and the king will recommend it to the two Provinces under his sign manual." — *Dummer's letter.*

and approved in England. The bishop, his father, had likewise been a most steady friend to the house of Hanover. Governor Burnet's fortune being reduced in the general calamity of the year 1720, he parted with a place in the revenue of 1200*l.* per annum and received commissions for these governments, with a view to his retrieving his fortune in a course of years. He thought it hard, in so short a time, to be superseded; for although the Massachusetts and New Hampshire were given to him, yet he was to part with very profitable posts for such as, at best, would afford him no more than a decent support, an easy administration for one which he foresaw would be extremely troublesome. He complained of his hard fate, and it had a visible effect upon his spirits. Colonel Shute was provided for more to his satisfaction than if he had returned to his government, a pension of 400*l.* sterling per annum being settled upon him, to be paid out of the four and a half per cent duty raised in the West India islands. The West Indians, who would perhaps have been content if it had been applied to one of their own governors who had been superseded, have taken exception to the payment of it to a governor of the northern colonies.*

The earthquake on the 29th of October, 1727, although not confined to Massachusetts, was so remarkable an event in providence that we may be excused if we give a circumstantial account of it. About forty minutes after ten at night, when there was a serene sky, and calm but sharp air, a most amazing noise was heard, like to the roaring of a chimney when on fire, as some said, only beyond comparison greater; others compared it to the noise of coaches upon pavements, and thought that of ten thousand together would not have exceeded it. The noise was judged by some to continue about half a minute before the shock began, which increased gradually, and was

thought

* The duties granted by Barbadoes and the leeward islands upon their own produce, to be disposed of by the crown, are the only instances of the kind in the colonies. Jamaica is exempt. It was said in parliament, in the reign of Charles II. that this duty was consented to upon condition the planters should be released from a duty of 40*wt.* sugar per head reserved when the king granted the lands. Jamaica was chiefly disposed of by Cromwell, I suppose, free from the like burden or charge.

thought to have continued the space of a minute before it was at the height, and, in about half a minute more, to have been at an end by a gradual decrease. When the terror is so great, no dependence can be placed upon the admeasurement of time in any person's mind, and we always find very different apprehensions of it. The noise and shock of this and all earthquakes which preceded it in New England were observed to come from the west or north-west, and go off to the east or south-east. At Newbury and other towns upon Merrimack river, the shock was greater than in any other part of Massachusetts, but no buildings were thrown down, part of the walls of several cellars fell in, and the tops of many chimneys were shook off. At New York it seems to have been equal to what it was in Massachusetts, but at Philadelphia it was very sensibly weaker, and, in the colonies southward, it grew less and less, until it had spent itself or became insensible. The seamen upon the coast supposed their vessels to have struck upon a shoal of loose ballast. More gentle shocks were frequently felt in most parts of New England for several months after. There have seldom passed above fifteen or twenty years without an earthquake, but there had been none, very violent, in the memory of any then living. There was a general apprehension of danger of destruction and death, and many who had very little sense of religion before, appeared to be very serious and devout penitents; but, too generally, as the fears of another earthquake went off, the religious impressions went with them, and they, who had been the subjects of both, returned to their former course of life.

The trade of the province being in a bad state, and there being a general complaint of scarcity of money, the old spirit revived for increasing the currency by a further emission of bills of credit. It would be just as rational when the blood in the human body is in a putrid corrupt state, to increase the quantity by luxurious living in order to restore health. Some of the leading men among the representatives were debtors, and a depreciating currency was convenient for them. A bill was projected for fortifying the sea-ports. The town of Boston was to expend

pend ten thousand pounds in forts and stores, and to enable them to do it, thirty thousand pounds was to be issued in bills and lent to the town for thirteen years, Salem, Plymouth, Marblehead, Charlestown, Gloucester, and even Truro, on the Cape, were all to be supplied with bills of credit for the like purposes. After repeated non-concurrence and long altercation, the council were prevailed upon to agree to the bill. When it came to the lieutenant governor, he laid the king's instruction before the council, and required their opinion, upon their oaths, whether, consistent with the instruction, he could sign the bill; and they answered he could not. Not only the lieutenant governor, but several of the council, were dependent upon the house for the grant of their salaries, and this dependence was improved, as in divers instances it had been formerly. The house referred the consideration of allowance to the next session, and desired the court might rise. The lieutenant governor let them know, by a message, that he apprehended his small support was withheld from him, because he would not sign a bill contrary to his instructions. They replied, that he had recommended to them, the making provision for fortifying the province, and now they had passed a bill for that purpose, he refused to sign it, and they were obliged, in prudence and faithfulness to their principals, to come into a vote referring allowances and other matters to another session, when a way may be found to enable the inhabitants to pay into the treasury again such sums as may be drawn out for gratuities* and allowances. After a recess of about a fortnight, an expedient was found. Instead of a bill for fortifying, another was prepared with a specious title—"An act for raising and settling a public revenue for and towards defraying the necessary charges of the government by an emission of 60,000l. in bills of credit." This was done to bring it within the words of the instruction, which restrained the governor from consenting to the issuing bills of credit, except for charges of government. The interest of four per cent, or 2400l. was to be applied annually to the public charges, and

gave

* Gratuity is a term not usual with the house, and seems not so proper for payment of services.

gave colour for issuing the principal sum of 60,000l. The lieutenant governor was prevailed upon to sign it, and the same day the house made the grant of his salary, and the usual allowance to the judges, most of whom were members of the council, and to the other officers of the government. This was afterwards alleged to be a compulsion of the lieutenant governor, and such of the members of council as were salary men, to comply with the house of representatives, by withholding from them their subsistence. The eagerness of the body of the people for paper bills, more easily acquired in this way than the righteous way of industry and frugality, no doubt, facilitated a compliance.

The council, upon this occasion, declined answering upon their oath, as counsellors, when the lieutenant governor asked their advice. They swear that to the best of their judgment they will at all times freely give their advice to the governor for the good management of the public affairs of the government. The lieutenant governor proposed the following question to them in writing—“Gentlemen, I find it necessary, in order to my signing the bill, entitled, an act for raising and settling a revenue, &c. which has passed both houses, to have your advice whether I can sign the said bill without the breach of the instruction of the lords justices of Great Britain, dated the 27th of September, 1720, and the order of the lords commissioners of trade and plantations, dated the 8th of February, 1726-7. *W. Dummer. Feb. 17, 1727.*” Upon which the council came to the following vote. “In council, Feb. 19, 1727—Read, and as the council have already, as they are one part of the general court, passed a concurrence with the honourable house of representatives upon the said bill, they cannot think it proper for them to give your honour any further advice thereupon, nor do they apprehend the oath of a counsellor obliges them thereto. At the same time, they cannot but think it will be for the good and welfare of the Province, and the necessary support of the government thereof, if the bill be consented to by your honour.

J. Willard, Secretary.”

They had given their advice or opinion, the same session, upon the bill for fortifying, after they had passed it, that it was contrary to the instruction, and instances of the like kind have been frequent before and since this time.

The lieutenant governor had a further opportunity, before Mr. Burnet's arrival, of meeting the assembly in May for election of counsellors.

The house discovered in one instance this session, a desire to amplify their jurisdiction. The council and house had made it a practice ever since the charter to unite in the choice of the treasurer, impost officer and other civil officers, the appointment whereof is reserved to the general assembly. The council, being in number less than a third part of the house, have by this means no weight in such elections except when there are two or more candidates for an office set up by the house; and then the balance of power, if they are united themselves, may be with them. This seems to have been an old charter practice, and handed down. The two houses, when parties to any petition or cause desire to be heard, often meet in one house, which no doubt also came from the old charter, but after they are separated, they vote separately upon the subject matter of the hearing. In this session, after a hearing of this sort, the house passed a vote, "that when a hearing shall be had on any private cause before both houses together, the subject matter shall be determined by both houses conjunctly." They might as well have voted that, after a conference between the two houses, the subject matter should be determined conjunctly. The council were sensible this was taking from the little weight they had, and unanimously non-concurred the vote.

The manner of choosing civil officers is a defect in the constitution, which does not seem to have been considered at the framing the charter, and as by charter officers must annually be elected, it is a defect which must be submitted to. If either house should elect by themselves and send to the other for concurrence, the right of nomination would be such an advantage as neither would be willing

to concede to the other. In the early days of the charter, it had been made a question, whether in any acts of government the council had a negative voice, and were not rather to vote in conjunction with the house of representatives, and Constantine Phips gave his opinion, that they had no negative. He seems not to have considered, that the charter and the commissions to governors of other colonies evidently intended a legislature after the pattern of the legislature of England, as far as the state and circumstances of the colonies would admit.

The government, under the old charter and the new, had been very prudent in the distribution of the territory. Lands were granted for the sake of settling them. Grants for any other purpose had been very rare, and ordinarily, a new settlement was contiguous to an old one. The settlers themselves, as well as the government, were inclined to this for the sake of a social neighbourhood, as well as mutual defence against an enemy. The first settlers on Connecticut river, indeed, left a great tract of wilderness between them and the rest of the colony, but they went off in a body, and a new colony, Connecticut, was settling near them at the same time. Rivers were also an inducement to settle, but very few had ventured above Dunstable, upon the fine river Merrimack, and the rivers in the Province of Maine had no towns at any distance from the sea into which they empty. But all on a sudden, plans are laid for grants of vast tracts of unimproved land, and the last session of Mr. Dummer's administration, a vote passed the two houses appointing a committee to lay out three lines of towns, each town of the contents of six miles square, one line to extend from Connecticut river above Northfield to Merrimack river above Dunstable, another line on each side Merrimack as far as Penicook, and another from Nichewanock river to Falmouth in Casco-Bay.

Pretences were encouraged, and even sought after, to entitle persons to be grantees. The posterity of all the officers and soldiers who served in the famous Narraganset expedition, in 1675, were the first pitched upon, those who were in the unfortunate attempt upon Canada, in

1690, were to come next. The government of New Hampshire supposed these grants were made in order to secure the possession of a tract of country challenged by them as within their bounds. This might have weight with some leading men, who were acquainted with the controversy, but there was a fondness for granting land in any part of the Province. A condition of settling a certain number of families in a few years, ordinarily was annexed to the grants, but the court, by multiplying their grants, rendered the performance of the condition impracticable, there not being people enough within the Province willing to leave the old settled towns, and the grantees not being able to procure settlers from abroad.

The settlement of the Province was retarded by it, a trade of land-jobbing made many idle persons, imaginary wealth was created, which was attended with some of the mischievous effects of the paper currency, viz. idleness and bad economy, a real expense was occasioned to many persons, besides the purchase of the grantees' title, for every township by law was made a proprietor, and their frequent meetings, schemes for settlement, and other preparatory business, occasioned many charges. In some few towns, houses were built and some part of the lands cleared. In a short time, a new line being determined for the northern boundary of the Massachusetts colony, many of these townships were found to be without it. The government of New Hampshire, for the crown, laid claim to some of them, and certain persons, calling themselves proprietors under Mason, to others, and the Massachusetts people, after a further expense in contesting their title, either wholly lost the lands, or made such composition as the new claimers thought fit to agree to.

Mr. Burnet* was received with unusual pomp. Besides a committee of the general court, many private gentlemen went as far as Bristol to wait upon him, and, besides the continual addition that was making in the journey, there went out of Boston to meet him at a small distance such a multitude of horses and carriages, that he entered the town with a greater cavalcade than had ever

been

* He arrived at Boston July 12th.

been seen before or since. Like one of his predecessors, lord Bellamont, he urged this grand appearance, in his first speech to the assembly, as a proof of their ability very honourably to support his majesty's government, and at the same time acquainted them with the king's instruction to him to insist upon an established salary, and his intention firmly to adhere to it.* He had asked the opinion of a New England gentleman, who was then the minister of the Presbyterian church at New York, whether the assembly would comply with his instruction, and received a discouraging answer, which caused him to reply, that he would not engage in a quarrel, or to that effect; but he either received different advice upon his arrival, or for some other reason altered his mind. The assembly seemed, from the beginning, determined to withstand him. To do it with better grace and a more reasonable prospect of success, the quantum of the salary, it was agreed, was not worth disputing. It bore no proportion to the privilege and right of granting it for such time as they thought proper. The same persons, therefore, who, six or seven years before, refused to make governor Shute, and, perhaps, the government easy, by granting not more than five hundred pounds sterling a year, now readily voted for a thousand, or a sum which was intended to be equal to it. As soon as addresses from the council and house, the usual compliments upon the first arrival of a governor, had passed, the house made a grant of 1700l. towards his support, and to defray the charge of his journey. In a day or two, the governor let them know he was utterly unable to give his consent to it, being inconsistent with his instruction. After a week's deliberation, a grant

was

* "It is not easy to express the pleasure I have had in coming among you. The commission with which his majesty has honoured me (however unequal to it) has been received in so respectful and noble a manner, and the plenty and wealth of this great Province has appeared to me in such a strong light, as will not suffer me to doubt of your supporting his majesty's government by an ample, honorable and lasting settlement. The wisdom of parliament has made it an established custom to grant the civil list to the king for life, and, as I am confident the representatives of the people here would be unwilling to own themselves outdone in duty to his majesty by any of his subjects, I have reason to hope that they will not think such an example has any thing in it which they are not ready to imitate. I shall lay before you his majesty's instruction to me upon this subject, which, as it shall be an inviolable rule for my conduct, will, without question, have its due weight with you." —— *Gov. Speech 24th July, 1728.*

was made of three hundred pounds for the charge of his journey, which he accepted, and another of fourteen hundred pounds towards his support, which was accompanied with a joint message from the council and house, prepared by a committee, wherein they assert their undoubted right as Englishmen, and their privilege by the charter, to raise and apply monies for the support of government, and their readiness to give the governor an ample and honourable support; but they apprehended it would be most for his majesty's service, &c. to do it without establishing a fixed salary.* The governor was always very quick in his replies; and once, when a committee came to him with a message, having privately obtained a copy of it, gave the same committee an answer in writing to carry back. The same day this message was delivered, he observed to them in answer, "that the right of Englishmen could never entitle them to do wrong, that their privilege of raising money by charter was expressed to be 'by wholesome and reasonable laws and directions,' consequently not such as were hurtful to the constitution and the ends of government; that their way of giving a support to the governor could not be honourable, for it deprived him of the undoubted right of an Englishman, viz. to act his judgment, or obliged him to remain without support, and he appealed to their own consciences, whether they had not formerly kept back their governor's allowance until other bills were passed, and whether they had not sometimes made the salary depend upon the consent to such bills; that if they really intended from time to time to grant an honourable support, they could have no just objection to making their purposes effectual by fixing his salary; for he would never accept of a grant of the kind they had then made." We shall be convinced that Mr. Burnet was not a person who could be easily moved from a resolution he had once taken up.

Upon the receipt of this message and the peremptory declaration of the governor, the house found this was like to be a serious affair, and that they should not so easily get rid of it as they had done of the like demands

made

* August 7th.

made by Dudley and Shute, and again appointed a committee to join with a committee of council to consider of this message. The exclusive right of the house in originating grants they have often so far given up as to join with the council by committees to consider and report the expediency of them, the reports generally being sent to the house, there to be first acted upon. The report of this committee was accepted in council and sent to the house, but there rejected, and, not being able to unite in an answer, the house tried the council with a resolve, sent to them for concurrence, the purport of which was, that fixing a salary on the governor or commander in chief for the time being would be dangerous to the inhabitants, and contrary to the design of the charter in giving power to make wholesome and reasonable orders and laws for the welfare of the Province. This vote, in so general terms, the council did not think proper to concur, and declared that, although they were of opinion it might prove of ill consequence to settle a salary upon the governor for the time being, yet they apprehended a salary might be granted for a certain time, to the present governor, without danger to the Province, or being contrary to the design of the charter, &c.*

This occasioned a conference without effect, both houses adhering to their own votes, and from this time the house were left to manage the controversy themselves. They sent a message to the governor to desire the court might rise.† He told them, that if he should comply with their desire he should put it out of their power to pay an immediate regard to the king's instruction, and he would not grant them a recess until they had finished the business for which the court was then sitting. They then, in a message to him, declared that, in faithfulness to the people of the Province, they could not come into an act for establishing a salary on the governor or commander in chief for the time being, and therefore they renewed their request that the court might rise.||

Both the governor and the house seem to have some reserve in their declarations. Perhaps a salary during

his

* August 19th.

† 28th.

|| August 29th.

his administration would have satisfied him, although he demanded it for the commander in chief for the time being ; and the house do not yet say, that they will not settle a salary for a limited time. Each desired that the other would make some concessions. Both declined, and both by long altercation were irritated ; and at length, which is often the case, instead of closing, as seemed probable at first, widened the breach, until they fixed at the opposite extremes. The major part of the council and about a sixth part of the house were willing to settle a salary upon Mr. Burnet for a term not exceeding three years, possibly even some who were finally the most zealous in the opposition would have submitted to this, if they could have been sure of its being accepted, and they had been at liberty to act their judgment. Mr. Cooke had experienced the ill success of the controversy with governor Shute, and seemed desirous of being upon terms with his successor, who, upon his first arrival and until the Province house could be repaired, lodged at Mr. Cooke's house ; but a friendship could not long continue between two persons of so different opinions upon civil government. The language of the governor's messages was thought too dictatorial by the people, and particularly by the inhabitants of Boston, and he had been somewhat free in his jokes upon some of the shop-keepers and principal tradesmen, who were then the directors of the counsels of the town, and very much influenced those of the house. An intimation in the governor's next message,* that, if they did not comply with the instruction, the legislature of Great Britain would take into consideration the support of the government, and perhaps something besides, meaning the charter, increased the prejudices against him. The house now thought themselves obliged to be more particular than they had yet been fully to assert their rights.† This was what the governor desired, and, without any delay,‡ he sent them an answer. As these two messages seem to begin in earnest the argument on each side

* August 29th.

† August 31st.

‡ September 2d.

side of the question, we shall insert them in the margin.* Not long after, the house, instead of any advances towards a compliance, which the governor wished to obtain, came to resolutions upon two questions which shewed still more fully

* August 31st, 1728.—The house of representatives sent the following message to his excellency the governor.

“ *May it please your excellency,*”

“ The representatives in general court assembled, before they proceed to make reply to what they received from you on Thursday last, respecting their answer of that morning to your message of the 28th current, beg leave to recur to what the council and representatives, the 7th instant, in great truth and sincerity, among other things, laid before your excellency, viz.—They humbly apprehend, that his majesty’s service in the necessary defence and support of the government and the protection and preservation of the inhabitants thereof, the two great ends proposed in the power granted to this court for the raising taxes, would be best answered without establishing a salary. Your excellency was pleased to let us know, that the answer of the house contained no reasons that appeared to you sufficient why his majesty’s 23d instruction might not be complied with, since the same methods that are found no ways to prejudice the rights and liberties of the people of Great Britain, nor of other colonies, cannot prejudice those of the Province. If the method practised in Great Britain is not prejudicial to the rights and liberties of the people there, it does not therefore follow that fixing a salary will not prejudice the people of this Province. The British constitution differing from ours in many respects, and other colonies coming into any particular method, we not knowing the motives inducing them thereto, nor the several constitutions of government they are put under, ought not to influence or prompt us to imitate them.

“ *May it please your excellency,*”

“ The house, being heartily desirous to cultivate a good agreement and harmony with your excellency, take this opportunity to assure you, that we have, once and again, deliberately considered your message for fixing a salary, and do humbly conceive that it is against the good design of the powers vested and reposed in us by the royal charter, to pass acts pursuant to the instructions laid before us, for as much as passing such acts, as we apprehend, has a direct tendency to weaken our happy constitution; for that their late majesties king William and queen Mary, of glorious memory, were graciously pleased to gratify the inhabitants here, and did grant to them certain powers, privileges and franchises to be used and employed for the benefit of the people, and in the same grant reserved other powers to be used and exercised by the crown, or the governors sent by them, agreeable to the directions and instructions contained in said grant and their commissions, having reference for their better guidance and directions to the several powers and authorities mentioned in the said charter; if therefore the general assembly should at any time come into any act that might tend to infringe the prerogative or disserve the crown, his majesty’s governors have a negative voice on all such acts; furthermore, should any governor inadvertently give his consent to such acts, his majesty has reserved to himself a power to disallow the same, but the use and exercise of the other powers and privileges lodged in the general assembly, his majesty justly expects they will never make use of them in prejudice of the rights and liberties of the people, but at all times exert themselves in defence thereof. If we resemble the British constitution, as your excellency has done us the honour to declare, we humbly apprehend that no part of the legislature here should be entirely independent, as your excellency has very justly denoted to us, that the three distinct branches of the legislature, preserved in a due balance, forms the excellency of the British constitution; and if any of those branches should become less able to support its own dignity and freedom, the whole must inevitably suffer by the alteration. Your excellency is pleased to say, that a support given as has been usual here cannot be honourable, because that im-

fully their sense of the point in controversy. The first question was, whether the house will take under consideration the settling a temporary salary upon the governor or commander in chief for the time being. This passed

in

plies no sort of confidence in the government. To which we humbly offer, that if your excellency would take notice of our grants, you would see that the very method itself is founded on nothing else, inasmuch as they always look forward and are given to enable the governor to go on and manage the public affairs. Thus, in this our first session at your excellency's first and welcome arrival, the assembly made a grant of £400. to enable your excellency to manage the affairs of this Province, fully considering in your conduct. If your excellency intends that we do not put so much confidence in you as the parliament do in our most gracious sovereign, to whom the civil list is granted for life (which God long preserve) we freely acknowledge it. Is it reasonable or possible that we should confide in any governor whatsoever, so much as in our gracious king, the common father of all his people, who is known to delight in nothing so much as in their happiness, and whose interest and glory, and that of his royal progeny, are inseparable from the prosperity and welfare of his people; whereas it is most obvious, that neither the prosperity nor adversity of a people affect a governor's interest at all when he has once left them.

"Your excellency goes on and declares, that the support of the government in this manner visibly depends on an entire compliance with the other parts of the legislature. Had the governor no authority nor checks upon them, we must acknowledge this to be the case; but as both the other parts have a great dependence upon the governor's discretionary power, the council (as the practice usually is) for their very being, and both they and the representatives for every law and proper act of government, and for every penny put into and drawn out of the treasury, for their whole defence and security in every case of danger, as he is their captain general, besides other obvious particulars needless and too numerous to be named, that if in this single instance the governor should have dependence on the assembly, as to his support, according as they shall see the Province able, the other things that they depend upon him for are so vastly more than a counterbalance, that it cannot be thought that the commander in chief can be hereby prevented acting according to his judgment, or remain without support. We assure your excellency, that it is not any exception to your person or administration (which we hope other parts of our conduct have made evident) that determines us against fixing a salary as prescribed.

"May it please your excellency,

"Since we have so many times heretofore, and do now in the most solemn manner, and after the most strict scrutiny we are able to make in this important affair, manifest, that in faithfulness to our country we cannot think it adviseable for this house to be concerned in passing an act for fixing a salary as prescribed, we do therefore most ardently move your excellency, that you would permit us to repair to our several homes, and not keep us sitting here in order to our acting contrary to our native freedom and declared judgment, and so betraying the great trust and confidence our principals have reposed in us."

September 3d, 1728.—The secretary carried down to the house the following message from his excellency the governor.

Gentlemen of the house of representatives,

It is not at all agreeable to my inclination to enter into disputes with your house; and, for that reason, I have endeavoured hitherto to be as short as the importance of the matters which I have recommended to you will allow me. But since you have thought fit to lay such stress on the reasons offered in your reply of Saturday, I cannot avoid, once more for all, entering into a particular examination of them, that not only yourselves, but those whom you represent, may be enabled to judge of the controversy between us. You begin with reminding me

that

in the negative. Then this question was put, whether the house can with safety to the people come into any other method for supporting the governor or commander in chief for the time being, than what has been heretofore practised.

that the council and representatives apprehended 'that his majesty's service, in the necessary defence and support of the government and the protection and preservation of the inhabitants thereof, the two great ends proposed in the power granted to this court, would be best answered without establishing a fixed salary.' It ought not to be forgotten, at the same time, that the council had altered the words, *would be best*, into, *may be well*, though you prevailed with them to recede from the amendment, and that they made this addition—' We esteem it a great unhappiness, that his majesty should think our method of supporting the governors of this Province a design of making them dependent on the people ;' to which you agreed, though nothing to that effect had been inserted in your own draught. By these instances, the council appear, from the first, to have very different apprehensions from you of the regard to be paid to his majesty's instruction, and of the weight of his displeasure, which last consideration (though the greatest part of my message) was not, it seems, thought by you to deserve any room at all in so long a reply. But supposing the council and you were agreed, that is to say, that two branches of the legislature thought it best to keep the third entirely dependent on them, (which would be a manifest piece of partiality and injustice) is this any reason why the third should be of the same opinion ? Or rather does it not confirm the too just suspicion his majesty has of a design so dangerous to his own authority ? Two branches of legislature can bring nothing to effect without the third ; and, consequently, if what seems best to them only cannot be consented to by the other, it becomes their duty then to consider what next best thing can be done, in which all three can concur ; for it does not follow that if what some imagine best cannot be done, therefore nothing should be done at all. —And so much for what you have said, before you proceed to make reply.

You may perceive from what I have already expressed, upon how many accounts the reasons of the house can never appear sufficient to me why his majesty's 23d instruction should not be complied with ; and I am far from thinking that you give any answer to my former reasons. You say, 'that if the method practised in Great Britain is not prejudicial to the rights and liberties of the people there, it does not therefore follow that fixing a salary would not prejudice the people of this Province.' Rights and liberties are words that have naturally the same meaning in all countries ; and, unless you can shew me wherein the British rights and liberties are defective, (which you have not done) I may conclude that they are not so ; and in that case it is a natural consequence, that the methods under which they have been so long safe and flourishing are most likely to produce the same effects. But you say, 'the British constitution differs from yours in many respects.' I take the chief difference to have been in the use made of the constitution, which has been no ways to your advantage ; for by Great Britain's keeping up to their constitution, public credit still continues at the height, notwithstanding the vast charges and debts of the nation ; but with you, credit has fallen lower and lower in an amazing manner ; and this has proceeded plainly from the want of a sufficient check in the other branches of the legislature to the sudden and unadvised measures of former assemblies ; so that if ever you come near the happiness of Great Britain, it must be by supporting those parts of the legislature which of late have been too much depressed, but are in themselves necessary to guard the liberties and properties of the inhabitants, as well as the house of representatives.

As to the case of other plantations, I shall only say, if you enjoy larger privileges by the favour of the crown than they, and by consequence have more to lose by his majesty's displeasure, the arguments both of gratitude and interest plead stronger with you for a compliance with an instruction in itself so just and reasonable,

practised. This also passed in the negative, and was the first instance of the house's declaring they would make no advances; for in their message last preceding they only say they do not think it adviseable to pass an act for fixing

I cannot see why you apprehend that passing acts pursuant to the instruction has a direct tendency to weaken your happy constitution, especially since you now acknowledge what I had formerly observed, "that each branch of the legislature, and consequently the governor, ought to be enabled to support its own dignity and freedom," which is all that is intended by the instruction.

I had observed, "that the usual way of supporting the government implied no sort of confidence in the governor." You offer, "that if I would take notice of your grants, I should see that the very method itself is founded upon nothing else, inasmuch as they always look forward and are given to enable the governor to go on and manage the public affairs." I can scarce believe that this is intended for a serious argument, since a time no longer ago than last winter session affords a plain proof to the contrary. The lieutenant governor informed the house, in answer to their message expressing their desire of an adjournment, 'that he had consented to all the acts and votes passed the two houses, except the bill for emitting bills of credit, which he would have signed, were it consistent with his majesty's instruction, which it was not, in the opinion of the council.' And he concludes with reminding them, 'that the proper and usual season for granting salaries is already out-run, and that he expects they will provide for the honourable support of the government before they rise.' The house entered into the consideration of the above message, and after some debate had thereon, the question was put, whether the house will now come to the consideration of allowances; it passed in the negative. Then the question was put, whether the consideration of allowances shall be referred to the next session of this court; resolved in the affirmative. In this manner was this method of grants, 'that always look forward,' brought to look directly upon the present business, in order to compel a compliance, or, if you like that better, to look backward by way of punishment for a denial; and so the public affairs were left to manage themselves, for any care that was taken of them.

Your next observation is not one jot a juster representation of the case before you. You say, you are not for fixing a salary, 'because it is not reasonable or possible you should confide in any governor whatsoever so much as in our most gracious king.' As if this instruction to demand a salary came from a governor and not from his majesty himself, and as if the salary was to be given directly to the governor, and not to his majesty, for the use of his governor or commander in chief, or as if upon just complaint his majesty could not or would not remove an ill governor, and, in short, as if your doing the thing would not be altogether upon confidence in his majesty, and not in any governor whatsoever. The words of respect here used to his majesty come with a very ill grace, and have not that gravity in them which would be more becoming, since in the same breath you are disregarding his own demand and undervaluing his favour, and making light of his declaration, 'that if you do not pay an immediate regard to his instruction he will look upon it as a manifest mark of your undutiful behaviour to himself.'

You carry on the same kind of reasoning to the end of your paper, which seems much better adapted to amuse, than to prove any thing.

In the first place, you make a very pompous representation of the governor's authority, and of the great dependence the other parts of the general court have on his discretionary power, and call his support the single instance in which he has some dependence on the assembly; and just after you give an odious aspersion on an undoubted branch of the power lodged in the governor, which is 'to keep the general court together as long as he thinks the public affairs require it.' I am at a loss to know whether your insinuation, that I keep you here in order to compel

ing a salary as prescribed. These votes caused the governor to put them in mind of a letter from their agent in the year 1722, wherein he mentions that lord Carteret, in conversation, desired him to write to the assembly not to provoke the government in England to bring their charter before the parliament, for if they did, it was his opinion it would be dissolved without opposition, and the governor advised them to take care their proceedings did not bring their charter into danger at that time. This caution did not prevent the house from preparing a state of the controversy between the governor and them, concerning his salary, to transmit to their several towns, in the conclusion of which they say, that they dare neither come into a fixed salary on the governor forever, nor for a limited time, for the following reasons.

“ 1st. Because it is an untrdden path, which neither they nor their predecessors have gone in, and they cannot certainly foresee the many dangers that may be in it, nor can they depart from that way which has been found safe and comfortable.

“ 2dly. Because it is the undoubted right of all Englishmen, by Magna Charta, to raise and dispose of money for the public service, of their own free accord, without compulsion.

“ 3dly.

compel you to act contrary to your native freedom and declared judgment, be more injurious to me or yourselves. You seem to allow the governor's powers only so far as he uses them according to your pleasure; but, in using your own powers, to take it very ill to be directed by any body. You said before, ‘that the other things which the house depends on a governor for are so vastly more than a counterbalance to his support (you might have said subsistence, and then the irony would have appeared more openly) that it cannot be thought that the commander in chief can be thereby prevented acting according to his judgment, or remain without support.’ As if you were ignorant of the aforementioned proceedings of the last winter; and yet you are very ready to think, that to keep you sitting here is a compulsion to you to act contrary to your native freedom and declared judgment, and so betray the great trust your principals have reposed in you. But I persuade myself that your faithfulness to your country put you above any such temptation.

And, as I am still of opinion that you have acted upon mistaken notions, I cannot give over the hopes of your coming to see things in that true light in which, I flatter myself, I have stated the point in question; and as I am disposed to gratify you as far as is consistent with my duty and my honour, I hope you will consider what advances you can make towards a compliance, that so the present session may not be a needless burden to the people, but still have a great issue to his majesty's and the country's service.

W. Burnet.

General court records.

“ 3dly. Because it must necessarily lessen the dignity and freedom of the house of representatives in making acts and raising and applying taxes, &c. and consequently cannot be thought a proper method to preserve that balance in the three branches of the legislature which seems necessary to form, maintain and uphold the constitution.

“ 4thly. Because the charter fully empowers the general assembly to make such laws and orders as they shall judge for the good and welfare of the inhabitants, and if they or any part of them judge this not to be for their good, they neither ought nor could come into it ; for, as to act beyond or without the powers granted in the charter might justly incur the king’s displeasure, so not to act up and agreeable to those powers might justly be deemed a betraying the rights and privileges therein granted, and if they should give up this right, they would open a door to many other inconveniences.”

This representation was prepared to be carried home by the several members upon the rising of the court, in order to their towns giving their instructions, but, the house being kept sitting, it was printed and sent through the Province. The governor sent a message to the house a few days after, in which he takes their representation to pieces, and in the close of his message appeals to them whether he had not answered all their objections except “ the unknown inconveniences to which a door would be opened,” which could not be answered until they could tell what they were ; and charges them with calling for help from what they had not mentioned, from a sense of the imperfection of what they had, and with sending to their several towns for advice, and declaring, at the same time, they did not dare follow it.

It would be tedious to recite at length the several messages, which passed during the remainder of the controversy, from the chair to the house, and from the house to the chair, which followed quick one upon the back of another. The sum of the argument, upon the part of the governor, was as follows : that it was highly reasonable he should enjoy the free exercise of his judgment in the administration of government, but the grants, made

for

for a short time only by the house, were thus limited for no other reason than to keep the governor in a state of dependence, and with design to withhold from him the necessary means of subsistence, unless he would comply with their acts and resolves, however unreasonable they might appear to him ; that in fact they had treated governor Shute in this manner, and, no longer since than the last year, the house had refused to make the usual grants and allowances, not only to the lieutenant governor, but to other officers, until they had compelled him to give his consent to a loan of sixty thousand pounds in bills of credit ; that a constitution which, in name and appearance, consisted of three branches, was in fact reduced to one ; that it was a professed principle in the constitution of Great Britain, to preserve a freedom in each of the three branches of the legislature, and it was a great favour shewn the Province, when king William and queen Mary established, by the royal charter, a form of government so analogous to the government of Great Britain ; a principle of gratitude and loyalty, therefore, ought to induce them to establish a salary for the governor of this Province, in order to his supporting his dignity and freedom, in like manner as the parliament always granted to the king what was called the civil list, not once in six months or from year to year, but for life ; that this was no more than other Provinces which had no charters had done for their governors ; that there was nothing in the Province charter to exempt them from the same obligation which other his majesty's colonies were under to support the government ; to be sure, they had no pretence to greater privileges by charter than the people of England enjoyed from Magna Charta, and yet no clause of that was ever urged as an objection against granting to the king a revenue for life ; and a power by charter to grant monies could not be a reason against granting them either for a limited or unlimited time.

On the part of the house, the substance of their defence against the governor's demand and his reasons in support of it was, that an obligation upon an assembly in the plantations

tations could not be inferred from the practice of the house of commons in Great Britain ; the king was the common father of all his subjects, and their interests were inseparably united ; whereas a plantation governor was affected neither by the adversity nor prosperity of a colony when he had once left it—no wonder then a colony could not place the same confidence in the governor which the nation placed in the king ; however, the grants to the governor always looked forward, and were made, not for services done, but, to be done. It must be admitted, the governor is in some measure dependent upon the assembly for his salary, but he is dependent in this instance only, whereas he has a check and control upon every grant to any person in the government, and upon all laws and acts of government whatsoever ; nor can an exact parallel be drawn between the constitution of Britain and that of the Province, for the council are dependent upon the governor for their very being once every year, whereas the house of lords cannot be displaced unless they have criminally forfeited the rights of peers ; the house were not to be governed by the practice of assemblies in some of the other colonies, nor were they to be dictated to, and required to raise a certain sum for a certain time and certain purposes ; this would destroy the freedom which the house apprehended they had a right to in all their acts and resolves, and would deprive them of the powers given to them by charter to raise money and apply it when and how they thought proper.* Different judgments will undoubtedly be formed upon the weight of these reasons on the one side and the other.

The messages of the house, at first, were short, supposed to have been drawn by Mr. Cooke, who never used many

* The governor had repeatedly urged against them their compelling lieutenant governor Dummer to sign a bill for issuing 60,000l. against his instruction and against his judgment, which they had passed over without any notice ; at length they tell him, “ We doubt not but the true state of the case is this, that though his honour, in the the beginning of the session, thought his majesty’s instruction forbade him coming into it, yet, upon deliberation and advice of the assembly, his great council, he was otherwise minded.” The governor, in answer, asks them why he may not, with exactly the same reason, say, “ that I doubt not but the true state of the present case is this, that though the assembly, in the beginning of this session, thought that their charter forbade them coming into a salary for the governor, yet, upon deliberation and advice of his majesty, their most gracious King, by his instruction, they will be otherwise minded.”

many words in his speeches in the house, which generally discovered something manly and open, though sometimes severe and bitter, and often inaccurate. In the latter part of the controversy they were generally drawn by Mr. Welles, another member from Boston, the second year of his coming to the house. These were generally more prolix, and necessarily so from the length of the messages to which they were an answer. The house had justice done them by their committees who managed this controversy, and they were then willing to allow that the governor maintained a bad cause with as plausible reasons as could be.

The contending parties, for a little while, endeavoured to be moderate and to preserve decorum, but it was impossible to continue this temper.

On the 4th of September, the house repeated to the governor the request they had formerly made to rise; but he refused to grant it, and told them, that unless his majesty's pleasure had its due weight with them, their desires should have very little weight with him.

The council, who had been for some time out of the question, now interposed and passed a vote "that it is expedient for the court to ascertain a sum as a salary for his excellency's support, as also the term of time for its continuance." This was sent to the house for concurrence. The council seem to have gone a little out of their line, but the house took no other notice of the vote than to non-concur it. The house, being kept sitting against their will, employed part of their time in drawing up the state of the controversy which we have mentioned.

This was not occasioned by any doubt they had themselves, but to convince the governor that the people throughout the Province were generally of the same mind with the house, and for this purpose they thought it necessary to obtain from their towns an express approbation of their conduct. It was well-known, that not a town in the Province would then have instructed their representatives to fix a salary upon the governor for the time being.

One of the king's governments (Barbadoes) was at this time warmly contending with its governor against fixing

a salary. The assembly of that island, some years before, had settled a very large salary upon a governor against whom they afterwards made heavy complaints, charging him with rapaciousness and grievous oppressions ; and his successor having demanded the like settlement upon him, they resolved to withstand the demand, and the spirit seemed to be as high there as in Massachusetts.

This had no small tendency to strengthen and confirm the resolution of the people here, who supposed their charter rather an additional privilege and security against this demand.* There was a minor part, however, very desirous of an accommodation. The ill success of the controversy with governor Shute was fresh in their minds. Many amiable qualities in Mr. Burnet caused them to wish he might continue their governor, and employ those powers and that attention which were now wholly engaged in this single point, in promoting the general welfare and prosperity of the Province.

About a third part of the house of representatives and a major part of the council would have been content to have granted a salary for two, or perhaps three years. If we are to judge by his declarations, this would not have satisfied him, and it was far short of his instructions ; but his friends were of opinion, that such a partial compliance would have produced a relaxation of the instruction, and issued in lasting agreement and harmony.

The house made what they would have the governor think a small advance towards it. Instead of a grant for the salary, supposed, though not expressed, for half a year, they made a grant (Sept. 20th) of three thousand pounds, equal to one thousand sterling, in order to enable him to manage the affairs of the Province, and, although it was not expressly mentioned, it was generally understood to be for a year. This was concurred by the council, but he let it lie without signing his consent, which caused the house to make, at least, a seeming farther advance ; for on the 24th of October they by a message entreated him to accept the grant, and added, “ We cannot doubt but that succeeding assemblies, according to the ability of the

Province,

* The assembly of Barbadoes, after a long struggle, submitted, but lessened the sum which had been settled before.

Province, will be very ready to grant as ample a support, and if they should not, your excellency will then have the opportunity of shewing your resentment." Still this had no effect; the governor knew how natural it would be for a future assembly to refuse being governed by the opinion of a former; besides the reserve, "according to the ability of the Province," left sufficient room for a further reason for reducing the sum whenever a future assembly should think it proper.

A little before this message from the house, the governor had informed them that he was of opinion the act, which passed the last year issuing sixty thousand pounds in bills of credit by way of loan, would be disallowed, the lieutenant governor having given his consent to it directly contrary to a royal instruction; and recommended to them, as the most likely way to obtain his majesty's approbation, to apply the interest of the money arising from the loan towards the governor's salary. This was one of those acts which have their operation so far, before they are laid before his majesty, that great confusion may arise from their disallowance. The house therefore had no great fears concerning it, but it would have been a sufficient reason to prevent their complying with the proposal, that it would be a fixing the salary so long as the loans continued, and for this reason they refused it.

The country in general, as we have observed, was averse to a compliance with the king's instruction, but no part more so than the town of Boston. Generally in the colonies where there is a trading capital town, the inhabitants of it are the most zealous part of the colony in asserting their liberties when an opinion prevails that they are attacked. They follow the example of London, the capital of the nation. The governor had frequently said, that the members of the house could not act with freedom, being influenced by the inhabitants of the town. Besides, the town, at a general meeting of the inhabitants for that purpose, had passed a vote, which was called the unanimous declaration of the inhabitants of the town of Boston, against fixing a salary upon the governor, and this vote they ordered to be printed. The governor was in

great wrath, and called it “an unnecessary forwardness, an attempt to give law to the country.” This seems to have determined him to remove the court out of town, and on the 24th of October he caused it to be adjourned to the 31st, then to meet at Salem, in the county of Essex, “where prejudice had not taken root, and where, of consequence, his majesty’s service would in all probability be better answered.” Jocesely he said there might be a charm in the names of places, and that he was at a loss whether to carry them there or to Concord.

The house thought their being kept so long fitting at Boston a great grievance. In one of their messages they ask the governor, “whether it has been customary that the knights, burgesses and other freemen of the land should be told that they are met to grant money in such a peculiar way and manner, and so they should be kept till they had done it, and this in order to gain their good will and assent.” In his reply he tells them he would consider their question in all its parts; 1st. “Whether freemen, &c. should be told they are met to grant money.” I answer, the crown always tells them so. 2d. “In such a particular way and manner?” I answer. If you mean the way and means of raising money, the crown leaves that to the commons, but if you mean the purpose for which it is to be granted, the crown always tells them what that is, whether it is for an honourable support, the defence of the kingdom, carrying on a war, or the like. 3dly. “And so they should be kept till they had done it.” The crown never tells the parliament so, that I know of, nor have I told you any thing like this, as an expedient to get the thing done. I have given you a very different reason for not agreeing to a receipt, altogether for your own sakes, lest I should thereby make your immediate regard to his majesty’s pleasure impossible, &c.

The house could not easily be persuaded they were kept so long together merely for their own sakes, and thought this part of the governor’s answer evasive of the true reason, and considered themselves as under duress, whilst at Boston, and their removal to Salem to be a further hardship, and an earnest of what was still further to come, a removal

a removal from place to place until they were harassed into a compliance. I remember the conversation of the members of the general court, lamenting the measures which had driven away governor Shute, who would have been easy with a salary of about 500l. sterling granted from year to year. The same persons, by whose influence his salary was reduced, were now pressing Mr. Burnet to accept 1000l. in the same way, and could not prevail.

The house met, according to the adjournment, but immediately complained of their removal from Boston as illegal or unconstitutional, and a great grievance. The same and the only reason which was now given had been given before in the controversy with governor Shute. The form of the writ for calling an assembly, directed by the Province law, mentions its being to be held at the town-house in Boston; but this had been determined by the king in council to be, as no doubt it was, mere matter of form or example only, and that it did not limit the power which the crown before had of summoning and holding assemblies at any other place. They prayed the governor, however, to adjourn them back to Boston, but without success.

They endeavoured to prevail upon the council to join with them, but the council declared they were of a different opinion, and urged the house to proceed upon business, which occasioned repeated messages upon the subject; but the whole stress of the argument on the part of the house lay upon the form of the writ for calling the assembly, which the board answered by saying, the house might as well insist that all precepts to the towns should go from the sheriff of Suffolk because the form of the precept in the law has *Suffolk* *ff.*

The alteration of place had no effect upon the members of the house. Votes and messages passed, but no new arguments; the subject had been exhausted; nothing remained but a determined resolution on both sides to abide by their principles, and the house met and adjourned, day after day, without doing any business; the governor was the principal sufferer, not being allowed by the king to receive

receive any thing towards his support, except in a way in which the assembly would not give it. The members of the court, in general, were as well accommodated at Salem as Boston, and the members of Boston, who had not been used to the expense and other inconvenience of absence from home, received a compensation from their town, over and above the ordinary wages of representatives. It was a time of peace without, and a cessation of public business, for that reason, was less felt.

The house, from an apprehension that their cause was just, and therefore that they were entitled to relief, resolved to make their humble application to his majesty. Francis Wilks, a New England merchant in London, who had been friendly to Mr. Cooke in his agency, and who was universally esteemed for his great probity as well as his humane obliging disposition, was pitched upon for their agent.

Mr. Belcher, who had been several years of the council, always closely attached to governor Shute, and in general what was called a prerogative man, by some accident or other became, on a sudden, the favourite of the house, and he was thought the properst person to join with Mr. Wilks. At the last election he had been left out of the council, by what was called the country party, but now declared against the governor's measures, and became intimate with Mr. Cooke and other leading members of the house. Such instantaneous conversions are not uncommon. A grant was made by the house to defray the charges of the agency, but this was non-concurred by the council, because it was for the use of agents in whose appointment they had no voice. The want of money threatened a stop to the proceeding, but the public spirit of the town of Boston was displayed upon this occasion, and, by a subscription of merchants and other principal inhabitants, a sum was raised which was thought sufficient for the purpose, the house voting them thanks, and promising their utmost endeavours that the sums advanced should be repaid in convenient time. The governor desired a copy of their address to the king, but they refused it.

The only argument or reason in the king's instruction for fixing a salary is, " that former assemblies have, from time to time, made such allowances and in such proportion as they themselves thought the governor deserved, in order to make him more dependent upon them." The house, in the first part of their memorial or address, declare they cannot in faithfulness settle or fix a salary, because, after that is done, the governor's particular interest will be very little affected by serving or diserving the interest of the people. This was shewing, that they apprehended reason given by his majesty for settling a salary was insufficient, and that the governor ought to be paid according to his services in the judgment of those who paid him ; but in the close of the address they say, " We doubt not succeeding assemblies, according to the ability of the Province, will come into as ample and honourable a support, from time to time ; and should they not, we acknowledge your majesty will have just reason to shew your displeasure with them." It was remarked that, in order to make the last clause consist with the first, the ample and honourable support must be understood in proportion to the services of the governor in the judgment of the house ; but, in this sense, it was saying nothing and trifling with majesty ; for no case could happen, at any time, in which his majesty would have just reason to shew his displeasure. It would always be enough to say that the house, in faithfulness to the people, had withheld part of the governor's support, because, in their judgment, he had neglected their interest and his duty.*

Whether

* It having been suggested that the people of Massachusetts were aiming at independency, the following remark was made in the brief drawn up previous to the hearing before the committee of council—" From the universal loyalty of the people, even beyond any other part of his majesty's dominions, it is absurd to imagine they can have thoughts of independency, and, to shew the reverse, it is the custom for all persons coming from thence for London, though they and their fathers and grandfathers were born in New England, to say and always deem it coming ' home,' as naturally as if born in London ; so that it may be said, without being ludicrous, that it would not be more absurd to place two of his majesty's beef-eaters to watch a child in the cradle, that it do not rise and cut his father's throat, than to guard these infant colonies to prevent their shaking off the British yoke. Besides, they are so distinct from one another in their forms of government, in their religious rites, in their emulation of trade, and consequently in their affections, that they can never be supposed to unite in so dangerous an enterprise.

Whether this remark was just or not, the house had great encouragement given them by Mr. Wilks,* that their address would obtain for them the wished-for relief. He had been heard by council, Mr. Fazakerley and doctor Sayes, before the board of trade, Mr. Belcher not being then arrived ; but soon after they received letters † from their joint agents, inclosing the report of the board of trade, highly disapproving the conduct of the house, and their agents let them know it was their opinion that, if the house should persist in their refusal to comply with the king's instruction, the affair might be carried before the parliament ; but, if this should be the case, they thought it better a salary should be fixed by the supreme legislature, than by the legislature of the Province ; better the liberties of the people should be taken away from them, than given up by their own act. The governor likewise communicated to the house his letters from the lords of trade approving his conduct. All hopes of success from the agents seemed to be over, and their business in England would have been very short if the governor had not given occasion for further application. His administration for many months, except in this affair of the salary, had been un-

exceptionable.

The repeated opposition to instructions from the crown had raised a jealousy in the minds of some, that there was danger of the colonies setting up for themselves. Colonel Bladen, in particular, for many years one of the board of trade, often expressed, to the agents and other persons who appeared for New England, his apprehensions of such designs. It is nevertheless certain, that such a scheme appeared to the whole country to be altogether as wild and extravagant as the foregoing remark represents it. But a paragraph in the report of the lords of trade to the lords committee of council was the more immediate occasion of this remark. " The inhabitants, far from making suitable returns to his majesty for the extraordinary privileges they enjoy, are daily endeavouring to wrest the small remains of power out of the hands of the crown, and to become independent of the mother kingdom. The nature of the soil and product are much the same with those of Great Britain, the inhabitants upwards of ninety-four thousand, and their militia, consisting of sixteen regiments of foot and fifteen troops of horse, in the year 1718, fifteen thousand men, and, by a medium taken from the naval officer's accounts for three years, from the 24th of June, 1714, to the 24th of June, 1717, for the ports of Boston and Salem only, it appears that the trade of this country employs continually no less than three thousand four hundred and ninety-three sailors, and four hundred and ninety-two ships, making twenty-five thousand four hundred and six tons. Hence your excellencies will be apprised of what importance it is to his majesty's service, that so powerful a colony should be restrained within due bounds of obedience to the crown, and more firmly attached to the interests of Great Britain than they now seem to be, which we conceive cannot effectually be done without the interposition of the British legislature, wherein, in our humble opinion, no time should be lost."

* In his letter of March 24th, 1728-9.

† Dated April 25, 1729.

exceptionable. Indeed the members of the house thought themselves aggrieved, that he would not sign a warrant upon the treasury for their pay, and his reason for refusing it, viz. that one branch of the legislature might as well go without their wages as another, they thought insufficient. Being drove to straits, and obliged to his friends to assist him in the support of his family, he thought he might be justified in establishing a fee and perquisite which had never been known in the Province before. At New York, all vessels took from the governor a let-pass for which there was no law, but the owners of vessels submitted to it, and it was said, *volenti non fit injuria*. Lord Coke, perhaps, would not have thought even this a justification.*

The governor required all masters to take the same passes here, against their will, and demanded 6s. or 2s. sterl. for every vessel bound a foreign voyage, and 4s. for coasters. The stated fee by law for registers was 6s. but the bills having depreciated more than one half in value since the law was made, he required 12s. This was a very different case from the other, and I do not know that it was exceptionable, but they were alike complained of as grievous and oppressive, and the governor's enemies were not displeased with the advantage he had given them against him; and upon a representation made by the agents, notwithstanding the hardship of being restrained from receiving a salary in any way except such as the assembly would not give it in, yet such was the regard to law and justice, that his conduct, so far as related to the let-passes, was immediately disapproved.† There were other matters, besides that of the salary, to be settled before Mr. Burnet could be easy in his government, but this grand affair caused the lesser to be kept off as much as possible. One was the appointment of an attorney general. By the charter the election of the civil officers, except such as be-

long

* "King Edward III. entered into a new device to get money, viz. that by agreement and consent of the merchants the king was to have 40s. of a sack of wool, &c. but the commons (that in troth were to bear the burden, for the merchants will not be the losers) complained in parliament for that the grant of the merchants did not bind the commons, and that the custom might be taken according to the old order, which in the end was granted, and that no grant should be made but by parliament."

— Co. 2d Inst. p. 60.

† *Non potest rex subdilem renientem, onerare impositionibus.* Fortescue.

long to the council and courts of justice, is in the general assembly. Until after governor Dudley's time it had generally been allowed that the attorney general was an officer of the courts of justice and included in the exception, but lieutenant governor Tailer, in the year 1716, consented to an election made by the two houses, and the choice had been annually made and approved ever since, not without notice from Mr. Shute of the irregularity of it, but he had so many other affairs upon his hands that he waved this.*

Mr. Burnet was determined not to part with the right of nomination, and the council were of the opinion he ought not, and refused to join with the house in the election. There was some altercation between the two houses upon it, and both adhered to their principles.

Another affair of more extensive influence would have been more strenuously insisted upon.

In governor Shute's administration, the house, after long disputes with the governor and with the council, carried the point as to the form of supply of the treasury, which differing, as we have already observed, from the former practice, and, as both governor and council insisted, from the rule prescribed by the charter, Mr. Burnet had determined to return to the first practice. The house passed a vote for supplying the treasury with twenty thousand pounds, which the council concurred, the practice having been the same for eight or nine years together; but the governor refused his consent, and assured them that he would agree to no supply of the treasury but such as was in practice before the year 1721. This declaration was made not long before his death. The settlement of the point in controversy remained for his successor.

The court was allowed a recess from the 20th of December to the 2d of April, and then sat until the 18th at Salem again, without any disposition to comply.

The new assembly for the election of counsellors was held at the same place: There was a general expectation

that

* Governor Dudley brought with him a commission from the queen to his son Paul for attorney general, with powers to appoint clerks and other officers, take fees, &c. I do not know that it was published. He was attorney general many years, but, I suppose, with a commission from the governor by advice of council.

that a new set of counsellors would be chosen. The council of the last year had been of very different opinion from the house in many points. They had no doubt of the governor's power to call, adjourn or prorogue the assembly to any part of the Province he thought proper, and although they were not for a fixed salary according to the instruction, yet they would have willingly consented to settle it for longer term than a year, and some of them, during Mr. Burnet's administration ; but the house were most offended with the non-concurrence of their grant of money* to their agents. After all, only four new counsellors were elected.† Immediately after the council was settled, the court was prorogued to the 25th of June, and having sat unto the 10th of July, he prorogued them again unto the 20th of August, having made no speech at either of the sessions, or taken any notice of any business he thought proper for them to do. The reason of this omission appeared at the session in August. He had waited

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* "April 10, 1729. In the house of representatives—Resolved, that the treasurer be directed to furnish and supply Francis Wilks, esquire, and Jonathan Belcher, esquire, with the sum of three hundred pounds sterling, in the best manner that may be, to serve the interest of this Province in the affair of the humble address of the house which has been presented to the king's most excellent majesty, the said gentlemen to be accountable for the expense of the said money."

"April 11. In council—Read and non-concurred."

"In council—Ordered, that a message be sent down to the honourable house of representatives to acquaint them that the board had non-concurred a resolve of the house, passed the 10th current, for supplying Francis Wilks and Jonathan Belcher, esquires, with the sum of 300l. sterling to enable them to serve the interest of this Province in the affair of the humble address of the house, &c. and, as they apprehend, for very good reasons. It is well known that Mr. Wilks was chosen agent for the house of representatives by a vote of the house only, and was accordingly to observe such instructions as he should receive from them ; and this was one of the reasons given by the council for non-concurring a vote for allowing 300l. sterling to Francis Wilks, esquire, passed the last session, viz. December the 20th ; and it may be of ill consequence, as the council judge, for them to join in supporting any other agency that affects this Province than such as they are consulted with and have consented to from the beginning : besides which, the board look upon it as a very extraordinary practice in the honourable house to send up a vote, for supplying Messrs. Wilks and Belcher to serve the interest of this Province in the affair of an humble address, &c. for concurrence, when they never allowed the board a sight of said address till several months after the same was transmitted to Great Britain and actually presented to his majesty in council."

† Jonathan Belcher, William Dudley, Peter Thacher, and Isaac Little, in the room of Nathanael Byfield, John Cushing, Symonds Epes, and John Stoddard. The governor negatived Belcher and Little. Colonel Byfield was now in favour and appointed judge of admiralty after Meinzie's death, Mr. Auchmuty having first officiated a few months.

the final determination of his majesty in council, upon the report of the lords committee. This he now communicated to the house, whereby they perceived that his conduct was approved, that of the house condemned, and his majesty advised to lay the case before the parliament.*

The

* *At the court at Kensington, the 22d day of May, 1729.*

Present—the queen's most excellent majesty, guardian of the kingdom of Great Britain and his majesty's lieutenant within the same, in council—his royal highness the prince of Wales—archbishop of Canterbury, lord Chancellor, lord Privy Seal, lord Steward, lord Chamberlain, duke of Somerset, duke of Bolton, duke of Rutland, duke of Argyle, duke of Montrouz, duke of Kent, duke of Ancaester, duke of Newcastle, earl of Westmorland, earl of Burlington, earl of Scarborough, earl of Coventry, earl of Grantham, earl of Godolphin, earl of Loudoun, earl of Finlaster, earl of Marchmont, earl of Ilay, earl of Uxbridge, earl of Suffex, earl of Londsdale, viscount Cobham, viscount Falmouth, lord Wilmington, Mr. Speaker, Mr. Chancellor of the exchequer, Master of the rolls, Sir Paul Methuen, Henry Pelham, esquire.

Upon reading this day at the board a report to his majesty from the lords of the committee of his majesty's most honourable privy council, dated the 22d of the last month, in the words following, viz.

Your majesty having been pleased, by your order in council of the first of February, to refer unto this committee an address from the house of representatives of the Province of Massachusetts, offering the reason and grounds of their proceedings and conclusions against settling a fixed salary of 1000*l.* per annum on the governor of that Province for the time being, according to your majesty's instructions to the present governor, and complaining against the governor for having adjourned the general court from Boston to Salem; the lords of the committee did, in obedience to your majesty's said order, proceed the same day to take the said address into their consideration; but being informed that the lords commissioners for trade and plantations had under their examination several letters from William Burnet, esquire, your majesty's governor of that Province, relating to the behaviour of the said assembly in this affair, the lords of the committee did thereupon send a copy of the said address to the said lords commissioners, that they might have the whole matter before them, and directed them to report their opinion thereupon to this committee. And the said lords commissioners having accordingly considered the said several papers, and heard Mr. attorney and solicitor general in support of your majesty's said instructions, and also council in behalf of the said assembly, have reported, upon the whole—that they seemed entirely averse to settle a certain salary upon the present governor and those which shall succeed him; yet the said lords commissioners judge it absolutely necessary that the assembly should settle a fixed salary of 1000*l.* sterling per annum, at least, upon the governor, during the whole time of his government, it being absolutely necessary for your majesty's service that the independency of the governor upon the assembly should be preserved: And that as to the complaint against the governor for removing the assembly from Boston to Salem, his majesty in council, upon a former complaint of this nature against colonel Shute, had determined that point in favour of the governor, and therefore the lords commissioners were of opinion the present governor had acted in this matter agreeable to that determination.

The lords of the committee hereupon beg leave to acquaint your majesty that, notwithstanding the said lords commissioners for trade had fully heard all the reasons that were offered in behalf of the said assembly, yet the agents of the said assembly petitioned this committee the 19th instant, praying that they might be admitted to be heard before their lordships, who thought it proper to know upon what terms they would insist, that your majesty's attorney and solicitor general might be prepared to answer the same, and they desiring to be heard upon the reasons they had to offer why the said assembly should not settle a fixed salary upon

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The house received a letter at the same time from their agents, who, it seems, had altered their opinions, and now intimated to the house that, notwithstanding the determination or advice of the privy council, it was not likely the affair would ever be brought before the parliament. This letter the house ordered to be printed. The governor in one of his messages calls it "an undeniable proof of their endeavours to keep the people in ignorance of the true state of their affairs." It seems to be preferring a present temporary convenience, in keeping up the spirit of the people and diffusing a favourable opinion of their representatives, to the future real advantage of the cause; for such a measure must weaken the hands of the agents in England and tend to bring the matter before the parliament, when otherwise it might have been avoided.

The governor having held several sessions at Salem without any success, he adjourned the court, to meet the 21st of August at Cambridge. This widened

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his majesty's governor of that Province during the whole time of his government, their lordships appointed this day for hearing them thereupon; they have accordingly attended with their council, their lordships heard all that was offered on their behalf against settling such a fixed salary, and also heard Mr. attorney and solicitor general in support of your majesty's said instructions recommending it to them: and do thereupon agree humbly to report to your majesty—

That by the charter granted to Massachusetts the legislative power is vested in a governor, council and assembly, of whom the governor alone is nominated by your majesty; that the assembly is chosen annually by the people, and that the council is likewise chosen annually by the assembly in conjunction with the members of the council; that by the reasons insisted on by the council for the assembly in refusing to settle a fixed salary, it appeared, the point contended for was to bring the governor appointed by your majesty over them into a dependence on their good will for his subsistence, which would manifestly tend to a lessening of his authority, and consequently, of that dependence which this colony ought to have upon the crown of Great Britain, by bringing the whole legislative power into the hands of the people.

The power of raising taxes being by the charter granted to the general assembly, it was from thence argued that they ought to be left at liberty for the doing or omitting it as they shall think proper; but the words of the charter shew the intent of granting them this power to be, that they should use it for the service of the crown, in the necessary defence and support of your majesty's government of the said Province, and the protection and preservation of the inhabitants; and that, therefore, the refusing or neglecting to make due provision for the support of your majesty's governor, who is so essential a part of the government, must be looked upon as acting contrary to the terms of the said charter, and inconsistent with the trust reposed in them thereby. That, besides the instruction given to the present governor by your majesty for this purpose, instructions have always been given by your majesty's predecessors to former governors to recommend to the assembly the establishing a salary suitable to the dignity of that post; notwithstanding which the assembly have hitherto refused to comply therewith, although they have

the breach, and the house grew warmer in their votes and messages, and complained that they were to be compelled to measures against their judgment, by being harassed and drove from one part of the Province to another. The governor's friends observed the effect the controversy had upon his spirits. In a few days he fell sick of a fever, and died at Boston the 7th of September. Some attributed his illness to his taking cold, his carriage over-setting upon the causeway at Cambridge, the tide being high and he falling into the water. The resentment which had been raised ceased, with people in general, upon his death. Many amiable parts of his character revived in their minds. He had been steady and inflexible in his adherence to his instructions, but discovered nothing of a grasping avaricious mind ; it was the mode, more than the quantum, of his salary upon which he insisted. The naval office had generally been a post for some relation or favourite of the governor, but colonel Tailer having been lieutenant governor, and in circumstances far

from

have by act of assembly settled a fixed salary or allowance of six shillings a day on themselves, and ten shillings a day on the council. The present assembly have indeed offered your majesty's governor a salary equal to what was recommended by your majesty's instructions for the time he has been with them, but it is apprehended this was done only to tempt him to give up your majesty's instructions for settling it for the whole time of his government.

And here their lordships cannot, in justice to Mr. Burnet, omit taking notice, that by his steady pursuit of your majesty's instructions and rejecting the temptations offered by the assembly, he has acted with the utmost duty to your majesty and a just regard to the trust reposed in him as governor of that Province.

Upon a due consideration of all that has been offered on the part of the assembly in justification of their refusing to comply with your majesty's instructions, the lords of the committee cannot but agree in opinion with the lords commissioners for trade and plantations, that it is absolutely necessary for your majesty's service, and for preserving that dependency which this colony ought to have upon Great Britain, and better securing a due execution of the laws for trade and navigation, that a salary of 1000. sterl. per annum should be settled upon the governor during the whole time of his government ; and considering that the assembly of the Province have shewn so little regard to your majesty's instructions or to those of your royal predecessors in this behalf, which the governors from time to time have been directed to lay before them, the lords of the committee do advise your majesty to lay the whole matter before the parliament of Great Britain.

Her majesty this day took the said report into consideration, and was pleased, with the advice of his majesty's privy council, to approve thereof, and to order, as is hereby ordered, that one of his majesty's principal secretaries of state should receive the pleasure of the crown thereupon.

A true copy,

Massachusetts general court records.

Temple Stanyan.

from affluent, he generously gave the post to him, without any reserve of the issues or profits. The only instance of his undue exacting money, by some was thought to be palliated by the established custom of the government he had quitted. This did not justify it. In his disposal of public offices, he gave the preference to such as were disposed to favour his cause, and displaced some for not favouring it, and in some instances he went further than good policy would allow. He did not know the temper of the people of New England. They have a strong sense of liberty, and are more easily drawn than driven. He disengaged many of his friends by removing from his post Mr. Lynde, a gentleman of the house, esteemed by both sides for his integrity and other valuable qualities, and he acknowledged that he could assign no other reason except that the gentleman had not voted for a compliance with the instruction. However, an immoral or unfair character was a bar to office, and he gave his negative to an election of a counsellor, in one instance, upon that principle only. His superior talents and free and easy manner of communicating his sentiments made him the delight of men of sense and learning. His right of precedence in all companies facilitated the exercise of his natural disposition to a great share in the conversation, and at the same time 'caused it to appear more excusable.' His own account of his genius was, that it was late before it budded, and that, until he was near twenty years of age, his father despaired of his ever making any figure in life. This, perhaps, might proceed from the exact severe discipline of the bishop's family, not calculated for every temper alike, and might damp and discourage his. To long and frequent religious services at home in his youth, he would sometimes pleasantly attribute his indisposition to a very scrupulous exact attendance upon public worship; but this might really be owing to an abhorrence of ostentation and mere formality in religion, to avoid which, as most of the grave serious people of the Province thought, he approached too near the other extreme. A little more caution and conformity to the different ages, manners, customs and even prejudices of different companies, would have

have been more politic, but his open undisguised mind could not submit to it. Being asked to dine with an old charter senator who retained the custom of saying grace sitting, the grave gentleman desired to know which would be more agreeable to his excellency, that grace should be said standing or sitting ; the governor replied, standing or sitting, any way or no way, just as you please. He sometimes wore a cloth coat lined with velvet. It was said to be expressive of his character. He was a firm believer of the truth of revealed religion, but a bigot to no particular profession among Christians, and laid little stress upon modes and forms. By a clause in his last will he ordered his body to be buried, if he died at New York, by his wife ; if in any other part of the world, in the nearest church-yard or burying ground, all places being alike to God's all-seeing eye.

The assembly ordered a very honourable funeral at the public charge. A motion at another time was made in the house for a grant to a governor to bear the expense of his lady's funeral ; a dry old representative objected to a grant for a governor's lady, had the motion been for a grant to bury the governor, he should have thought the money well laid out.

Mr. Dummer re-assumed the administration. He did not intend to enter into the controversy about the salary ; no advantage could arise from it, no new arguments could be used, the king's instructions were to be his rule, and he would not depart from them by accepting any grant as lieutenant governor ; but the affair having been under consideration before his majesty in council and further proceedings expected, he would wait for further intelligence and directions. The house were not willing to admit that the instruction had any respect to the salary of a lieutenant governor ; but if it had, they had given sufficient reasons against it, and were determined to come into no act for fixing a salary. Having continued the session at Cambridge until the 26th of September, he ordered an adjournment to the 29th of November, at Boston, which was a further indication that he did not intend to press the instruction ; however, at their first coming together, he

he recommended to them a compliance with it, and upon their assuring him by a message, that, although they could not settle a salary, yet they were ready to give him an ample and honourable support, he desired them to lose no time about it, for he would accept of no support unless it should be exactly conformable to his majesty's instruction. The house, notwithstanding, made a grant of 750l. to enable him to manage the affairs of government. The council concurred with an amendment, adding 'for the half year current,' but this being fixing a salary for half a year, the house refused it.

Upon the news of Mr. Burnet's death, Mr. Belcher applied with all his powers to obtain the commission for the government. Governor Shute might have returned, but he declined it, and generously gave his interest to Mr. Belcher, who, fourteen years before, had given 500l. sterling, which was never repaid, to facilitate colonel Shute's appointment. The controversy which it was supposed a governor must be engaged in caused fewer competitors, and the ministry were the more concerned to find a proper person. Lord Townshend asked Mr. Wilks, who had much of his confidence, whether he thought Mr. Belcher would be able to influence the people to a compliance with the king's instructions; he replied that he thought no man more likely. Their choosing him agent was a mark of their confidence in him, but it seemed natural to expect that they would be under stronger prejudices against him than against a person who had never engaged in their favour. Mr. Belcher's appointment occasioned the removal of Mr. Dummer from the place of lieutenant governor. A young gentleman, with whose family Mr. Wilks was connected, (Mr. Thornton) Mr. Belcher had engaged to provide for, and he had no post in his gift worth accepting besides the naval office. To make a vacancy there, colonel Tiler was appointed lieutenant governor. The pleasure, if there was any, in superseding Mr. Dummer, who had superseded him before, could be no equivalent for the difference between a post of naked honour, and a post of profit which gave him a comfortable living. Mr. Dummer's administration has

been justly well spoken of. His general aim was to do public service. He was compelled to some compliances which appeared to him the least of two evils. It lessened him in Mr. Burnet's esteem, who thought he should have shewn more fortitude; but he retired with honour, and after some years was elected into the council, where, from respect to his former commission, he took the place of president; but being thought too favourable to the prerogative, after two or three years he was left out. He seemed to lay this slight more to heart than the loss of his commission, and aimed at nothing more, the rest of his life, than *otium cum dignitate*, selecting for his friends and acquaintance men of sense, virtue and religion, and enjoyed in life for many years, that fame which, for infinitely wise reasons, the great Creator has implanted in every generous breast a desire of, even after death.

Colonel Tailer's commission was received and published before Mr. Belcher's arrival, and it gave him an opportunity of doing a generous thing for Mr. Dummer. A vote had passed the two houses granting him 900l. which, from a regard to his instructions, he had not signed, nor had he expressly refused it, and the court having been adjourned only, not prorogued, the next meeting was considered as the same session, and colonel Tailer ventured to sign it, not being a grant to himself and not against the letter of his instructions, and it was really saving money to Mr. Dummer; the grant being intended for services to come as well as past, would not have been renewed, or in part only.

C H A P. IV.

From the arrival of governor Belcher, in 1730, to the reimbursement of the charge of the expedition against Cape Breton, and the abolition of paper money, in 1749.

MR. Belcher arrived the beginning of August in the Blandford man-of-war, captain Prothero. We approach so near to the present day, that for this reason, as well as those I have mentioned in my preface, I shall give a more general account of affairs.

No governor had been received with a shew of greater joy. Both parties supposed they had an interest in him. For men to alter their principles and practice according to their interest, was no new thing. A sketch of Mr. Belcher's life and character will in some measure account for his obtaining the government, for the principal events in his administration, and for the loss of his commission.

Being the only son of a wealthy father, he had high views from the beginning of life. After an academical education in his own country, he travelled to Europe, was twice at Hanover, and was introduced to the court there, at the time when the princess Sophia was the presumptive heiress to the British crown. The novelty of a British American, added to the gracefulness of his person, caused distinguishing notice to be taken of him, which tended to increase that aspiring turn of mind which was very natural to him. Some years after, he made another voyage to England, being then engaged in mercantile affairs, which, after his return home, proved in the general course of them rather unsuccessful, and seem to have suppressed or abated the ruling passion ; but being chosen agent for the house of representatives, it revived and was gratified to the utmost, by his appointment to the government of Massachusetts and New Hampshire, and discovered itself in every part of his administration. Before he was governor, except in one instance, he had always been a favourer of the prerogative, and afterwards he

did not fail of acting up to his principles. A man of high principles cannot be too jealous of himself, upon a sudden advancement to a place of power. The council never enjoyed less freedom than in his time. He proposed matters for the sake of their sanction rather than advice, rarely failing of a majority to approve of his sentiments.

He lived elegantly in his family, was hospitable, made great shew in drefs, equipage, &c. and although by the depreciation of the currency he was curtailed of his salary, yet he disdained any unwarrantable or mean ways of obtaining money to supply his expenses. By great freedom in conversation and an unreserved censure of persons whose principles or conduct he disapproved, he made himself many enemies. In a private person, this may often pass with little notice, but from a governor it is very hardly forgot, and some never ceased pursuing revenge until they saw him displaced.

The general court met the 9th of September.* The people waited with impatience the governor's first speech. Many flattered themselves, that the instruction for a fixed salary was withdrawn ; others that, if it was continued, he would treat it rather as Dudley and Shute had done than as his immediate predecessor ; others who did not expect a relaxation were, from curiosity, wishing to know how he would acquit himself with the people, who sent him to England to oppose the instruction. After promising, that the honour of the crown and interest of Great Britain are very compatible with the privileges and liberties of the plantations, he tells the two houses that he had it in command from his royal master to communicate to them his 27th instruction, respecting the governor's support ; that whilst he was in England he did every thing consistent with reason and justice for preserving and lengthening out the peace and welfare of the Province ; that they were no strangers to the steps taken by his majesty with respect to the unhappy dispute between the late governor and them, and he hoped, after such a struggle, they would think it for the true interest of the Province to do what might be perfectly acceptable ; that nothing

prevented

* At Cambridge, the small-pox being in Boston.

prevented this controversy, and several other matters of dangerous consequence, being laid before the parliament, but his majesty's great lenity and goodness, which inclined him to give them one opportunity more of paying a due regard to what in his royal wisdom he thinks so just and reasonable. Had he stopped here, perhaps, less could not have been expected from him ; but he unfortunately attempted to shew the similitude between the case of Cato shut up in Utica, and Massachusetts under the restraint of the royal instruction ; commended the wisdom of Cato in making so brave a stand for the liberties of his country, but condemned his putting an end to his life, when affairs became desperate, rather than submit to a power he could no longer resist ; which instance he brought as some illustration of the late controversy, though he would not allow it to run parallel, Cæsar being a tyrant, and the king the protector of the liberties of his subjects.

It was said, upon this occasion, that the governor must allow that the Massachusetts assembly had done wisely hitherto in defending their liberties, for otherwise he had brought an instance of a case in no one respect similar to theirs ; and if they had done so, it was because the instruction was a mere exertion of power, and then the parallel would run farther than he was willing to allow.

The instruction was conceived in much stronger terms than that to governor Burnet, and it is declared that in case the assembly refuses to conform to it, " his majesty will find himself under a necessity of laying the undutiful behaviour of the Province before the legislature of Great Britain, not only in this single instance, but in many others of the same nature and tendency, whereby it manifestly appears that this assembly, for some years last past, have attempted by unwarrantable practices to weaken if not cast off the obedience they owe to the crown, and the dependence which all colonies ought to have on their mother country." And in the close of the instruction his majesty expects, " that they do forthwith comply with this proposal as the last signification of our royal pleasure to them upon this subject, and if the said assembly shall not think fit to comply therewith, it is our will and pleasure,

and

and you are required immediately to come over to this kingdom of Great Britain, in order to give us an exact account of all that shall have passed upon this subject, that we may lay the same before our parliament."

The house proceeded just as they had done with governor Burnet. They made a grant to Mr. Belcher of 1000*l.* currency for defraying the expense of his voyage to New-England, and as a gratuity for services while in England;* and some time after they voted him a sum equal to a thousand pounds sterling, to enable him to manage the public affairs, &c. but would fix no time. The council concurred it with an amendment, viz. "and that the same sum be annually allowed for the governor's support." This, without a fund for the payment of it, was doing little more than the house had repeatedly done by their declarations, that they doubted not future assemblies would make the like honourable provision for the governor's support, according to the ability of the Province; the amendment, notwithstanding, was not agreed to, and the house adhered to their own vote. This produced a second amendment, viz. "that the same sum should be annually paid during his excellency's continuance in the government and residence here;" but this also was non-concurred. The two houses then conferred upon the subject,† the governor being present,‡ and before they

parted

* Five hundred pounds was also granted to the governor for his services in England, as agent for the house of representatives, and the sum of 150*l.* 1/1, which had been advanced by merchants in Boston and others and supplied the agents, was also granted to be paid out of the public treasury, and to the several persons respectively. The honour of the governor who had spent the money, as well as that of the house, was concerned. The council, although in general the same persons who had refused to consent to any grant of money for the use of an agent in the choice of whom they had no share, were prevailed upon by the governor and the influence of a great number of the principal merchants of Boston who had advanced the money, to consent to a grant for the re-payment of it. The house expecting the like difficulty might arise upon a like occasion in future time, took this favourable opportunity of passing a vote for the taking the sum of five hundred pounds sterling out of the Province treasury, and depositing it in the bank of England for the use of the house. To this vote the council gave their concurrence and the governor his consent. He repented of it afterwards, when he found the agent employed by the house and supported with this money was the principal promoter of the complaints against him which caused his removal from the government.

† This was a matter of money which the house sometimes refuse to confer upon, but they have been unsteady in this respect.

‡ It is unusual for governors to be present at a conference between the two houses. Mr. Shirley being desirous of acquainting himself with the arguments on both sides

parted he made a long speech, expressing the great pleasure the council had given him in the part they had taken, and his concern and surprise at the conduct of the house, in running the risk of the consequences of their refusal to comply with the instruction; reminded them of the vast expense which their former unsuccessful disputes with their governors had occasioned to the Province, but used no arguments to convince them of the reasonableness of the demand and its compatibility with their rights and privileges.

The small-pox being in the town of Cambridge, where the court sat, the house desired to rise, but the governor let them know he would meet them in any other town, and the same day ordered an adjournment to Roxbury, where a bill passed both houses for the support of the governor, but not coming up to the instruction, the governor could not consent to it. The country party in the house, as much a solecism as it is, were the most zealous for the prerogative, and, except a few prerogative men who were always willing to fix the salary, none went so great a length at this time towards fixing it as those who opposed any one step towards it, under Mr. Burnet.

The people in general were well pleased with the governor. It is not improbable that he would have obtained the settlement of a salary during his administration, if it had not been in effect a settlement for his successors also, for such a precedent could not easily have been resisted. The two parties which had long subsisted in the government were vying, each with the other, in measures for an expedient or accommodation. The prerogative men were Mr. Belcher's old friends, who were pretty well satisfied that his going over to the other side was not from any real affection to the cause, and that he must, sooner or later, differ with those who adhered to it, and for this event they waited patiently. The other party, by whose interest

in some affair in controversy between the two houses, intimated to the council his inclination to be present. When the house came up, the speaker, Mr. Cushing, seeing the governor in the chair, started back, and remaining at the door of the council chamber, expressed his surprise at seeing his excellency in the chair, the conference being intended between the two houses only; but if his excellency intended to remain in the chair only to hear the arguments, he imagined the house would have no objection to conferring in his presence. This the governor consented to, declaring he would not interfere.

interest he had been sent to England, adhered to him, expecting their reward. Accordingly, Mr. Cooke was soon appointed a justice of the common pleas for the county of Suffolk. To make way for him and another favourite, colonel Byfield, to whom Mr. Belcher was allied, two gentlemen, colonel Hutchinson and colonel Dudley, were displaced. They were both in principle steady friends to government, and the first of them was a fast friend to the governor. Mr. Belcher would not have been able to advance so many of his friends as he did, if he had not persuaded the council that, upon the appointment of a new governor, it was necessary to renew all civil commissions. Having obtained this point he took the most convenient time to settle the several counties. Before he settled the county of York, he recommended to the judges a person for clerk of the court. This officer the Province law empowers the judges to appoint. Some of them sent their excuse, being well satisfied with the clerk they had, who was a faithful, well-approved officer; but the governor let the judges know, if he could not appoint a clerk he could a judge, and accordingly removed those who were not for his purpose and appointed others in their stead.* There was an inconsistency in delaying appointments, with the principles he advanced. If new commissions were necessary, they were necessary immediately, and they might as well be delayed seven years as one.†

Two

* It was said that when Mr. Belcher, some years after, was ordered by the king to remove his son-in-law, Mr. Lyde, from the naval office, the power of appointment to which office is, by act of parliament, given to the governor, he was advised to make an excuse, Mr. Lyde being an officer who gave general satisfaction; but Mr. Belcher replied, that although the king could not make a naval officer, yet he could make a governor, and he was forced to give up his son-in-law. *Nec lex est justior ulla.* This was the first instance of an appointment made by the crown immediately to this office, and, I think, to any office in the Province, the nomination to which is by the charter and royal commission left to the judgment and discretion of the governor.

† The commissions to civil officers being in the king's name and tested by the governor, the renewal of such commissions upon the appointment of a governor has not been practised since Mr. Belcher's time. It was proposed in council by his successor; but Mr. Read, a very eminent lawyer, and, which is more, a person of great integrity and firmness of mind, being then a member of the council, brought such arguments against the practice that the majority of the board refused to consent to it. Besides this general new appointment, Mr. Belcher, in the course of his administration, made more frequent removals of persons from office than

Two or three sessions passed, when little more was done, on the governor's part, than repeating his demand for a fixed salary, and intimating that he should be obliged to go to England and render an account of their behaviour to the king. The major part of the house were very desirous of giving satisfaction to the governor and to their constituents both, but that could not be. Mr. Cooke's friends in the town of Boston began to be jealous of him. A bill was prepared, which sets forth in the preamble, that settling a salary would deprive the people of their rights as Englishmen. In the purview, after granting 3400l. which was about equal to 1000l. sterling, it is further enacted, that as his majesty had been graciously pleased to appoint J. B. esquire, to be the governor, who was a native of the country, whose fortune was here, who, when a member of the council, as well as when in a private station, has always consulted the true interest of his country as well as the honour and dignity of the crown ; therefore, it is most solemnly promised and engaged to his most excellent majesty, that there shall be granted the like sum for the like purpose at the beginning of the sessions in May every year during the governor's continuance in the administration and residence within the Province, provided this act shall not be pleaded as a precedent, or binding on any future assembly for fixing a salary on any succeeding governor. The bill is in Mr. Cooke's handwriting, and it is minuted at the bottom that the governor approved of it. The governor could not imagine so evasive a thing could be approved in England. He might hope to improve it as being a further advance than had been

before

than any governor before or since. This was owing to the pusillanimity of the council. No appointment can be made without their advice. The governor, it is true, can refuse his consent every year to their election, but the emoluments of a Massachusetts counsellor are very small, and can cause no great temptation to sacrifice virtue. It is said that one of the judges of the superior court, expecting to be removed, in the latter part of Mr. Belcher's administration, applied by a friend in England to lord chief justice Willes, who signified his resolution that if any judge should be removed, without good reason assigned, he would himself complain to his majesty against the governor. The freedom and independence of the judges of England is always enumerated among the excellencies of the constitution. The Massachusetts judges are far from independent. In Mr. Belcher's administration they were peculiarly dependent upon the governor. Before and since they have been dependent upon the assembly for their salary, granted annually, which sometimes has been delayed, sometimes diminished, and rarely escapes being a subject of debate and altercation.

before made, and, by using this argument, that it would be much more rational for the house to do what they now had fully in their power to do, than to make a solemn promise that another house should do the same thing, the performance of which promise they would not have in their own power. The scheme failed, the bill did not pass, and from that time Mr. Belcher, despairing of carrying his point, turned his thought to obtaining a relaxation of his instruction. Instead of applying himself, he advised to an address from the house, not for the withdraw of the instruction, but that the governor might have leave to receive the sum granted. This was allowed, but it was to be understood that he was to insist upon a compliance with his instruction as much as ever. Leave for consent to particular grants was obtained two or three years, and at length a general order of leave to receive such sums as should be granted. This was the issue of the controversy about a fixed salary. Until Mr. Belcher's arrival, Mr. Cooke had differed from most who, from time to time, have been recorded in history for popular men. Generally, to preserve the favour of the people, they must change with the popular air, and when we survey a course of action it will not appear altogether consistent. He had the art of keeping the people steady in the applause of his measures. To be careful never to depart from the appearance of maintaining or enlarging rights, liberties and privileges was all he found necessary. As soon as he was defective in this respect, and tried to secure his interest both with the governor and town of Boston, he had like to have lost both. In the election of representatives for Boston, in 1733 or 1734, the governor's party appeared against him ; he had lost many of the other party by what they called too great a compliance, and he had a majority, after several trials, of one or two votes only in six or seven hundred.

The dispute about the manner of issuing money out of the treasury was settled unfavourably for the house. The charter provides, that all money shall be issued by warrant from the governor with advice and consent of the council. Until the year 1720 the money was brought into the treasury,

ury, by a vote or act originating in the house, and destined to certain purposes, and drawn out for those purposes by warrant from the governor with advice, &c. but after that, the house not only destined the money, when put into the treasury, but provided that none of it, except some trifling sums for expresses and the like, should be issued without a vote of the whole court for payment. After such a vote they were willing the governor should give his warrant. This appeared in the king to render his governor contemptible, and entirely to defeat the provision in the charter, and there was no prospect of any relaxation of the instruction to the governor. When the servants of the government had suffered a long time for want of their money, the house passed a bill which supplied the treasury in a way not materially differing from what had been in practice before 1720.

Mr. Belcher had another instruction not to consent to the issuing any bills of credit for a longer term than those were to remain current which had before been issued, none of which extended beyond the year 1741. It would have been but a small burden upon the inhabitants to have paid the charges of every year and the debt which lay upon such year besides, but, instead of that wise measure, they suffered one year after another to pass with light taxes, and laid heavy burdens upon distant years; and the last year, 1741, had more laid upon it than any four or five preceding years; and although even this was far short of what has been paid in some succeeding years, yet it was deemed an insupportable burden, and it was generally supposed the promises made by the acts of government to draw in the bills in that year would by some means or other be evaded or openly violated. Mr. Belcher seemed determined to adhere to his instruction, and there was an expectation of some great convulsion, which was prevented by his being superseded before that period arrived.

The project we have taken notice of, for settling the eastern country, captain Coram pursued until he procured an order or instruction to colonel Phillips, the governor of Nova Scotia, in 1730, to take possession of the land between St. Croix and Kennebeck, and thirty men with

with an officer were sent to the fort at Pemaquid, built by Massachusetts. Colonel Dunbar, a gentleman out of employ, came over about the same time, took the command of the fort, and assumed the government of that part of the Province. Mr. Belcher was applied to by the proprietors of the lands there, and the house of representatives asserted the right of the Province. The governor with advice of council issued a proclamation, requiring the inhabitants to remain in their obedience and due subjection to the laws and government of the Province. This seems to have been all that in prudence he could do. Some were for taking further measures to remove Dunbar, which, as he had a royal commission, however liable to exceptions, Mr. Belcher thought by no means warrantable. The minds of the people were inflamed, and when Dunbar came up to Boston he persisted in his claim to the country, which, with reports of some not very decent expressions of the governor, raised the resentment of many. Persons of ill design, perhaps, might have been able to have caused a tumult. The lands indeed were claimed by a few particular persons, but it was spread abroad that when this country should be detached from the rest of the Province, the supplies of fuel to the sea-port towns would cease, or be burdened with heavy duties, and the poor oppressed. It happened that Mr. Samuel Waldo, a gentleman of good capacity and who would not easily relinquish his right, undertook for the proprietors of the principal tract of the country claimed, and upon representation to his majesty in council, the order to Phillips and the authority to Dunbar were revoked in 1732, and the government of the Province afterwards thought it proper to place a garrison in their own pay at Fort Frederick, the name given by Dunbar to the fort at Pemaquid.

I shall take notice of two or three only and those the most remarkable events during the rest of Mr. Belcher's administration.

In 1733 there was a general complaint throughout the four governments of New England of the unusual scarcity of money. There was as large a sum current in bills of credit

credit as ever, but the bills having depreciated they answered the purposes of money so much less in proportion. Massachusetts and New Hampshire were clogged with royal instructions. It was owing to them that those governments had not issued bills to as great an amount as Rhode Island. Connecticut, although under no restraint, yet, consisting of more husbandmen and fewer traders than the rest, did not so much feel the want of money. The Massachusetts people were dissatisfied that Rhode Island should send their bills among them and take away their substance and employ it in trade, and many people wished to see the bills of each government current within the limits of such government only. In the midst of this discontent, Rhode Island passed an act for issuing 100,000l. upon loan, for, I think, twenty years to their own inhabitants, who would immediately have it in their power to add 100,000l. to their trading stock from the horse, sheep, lumber, fish, &c. of the Massachusetts inhabitants. The merchants of Boston therefore confederated and mutually promised and engaged not to receive any bills of this new emission; but, to provide a currency, a large number formed themselves into a company, entered into covenants, chose directors, &c. and issued 110,000l. redeemable in ten years, in silver at 19s. per oz. the then current rate, or gold in proportion, a tenth part annually. About the same time the Massachusetts treasury, which had been long shut, was opened, and the debts of two or three years were all paid at one time in bills of credit; to this was added the ordinary emissions of bills from New Hampshire and Connecticut; and some of the Boston merchants, tempted by an opportunity of selling their English goods, having broke through their engagements and received the Rhode Island bills, all the rest soon followed the example. All these emissions made a flood of money, silver rose from 19s. to 27s. the oz. and exchange with all other countries consequently rose also, and every creditor was defrauded of about one third of his just dues. As soon as silver rose to 27s. the notes issued by the merchants payable at 19s. were hoarded up, and no longer answered the purposes of money. Although the currency was lessened by taking away the notes, yet

what

what remained never increased in value, silver continuing several years about the same rate, until it took another large jump. Thus very great injustice was caused by this wretched paper currency, and no relief of any sort obtained; for by this sinking in value, though the nominal sum was higher than it had ever been before, yet the currency would produce no more sterling money than it would have done before the late emissions were made.*

In 1737, a controversy which had long subsisted between the two governments of Massachusetts and New Hampshire was heard by commissioners for that purpose appointed by the crown. Various attempts had been made to settle this dispute, and it had been often recommended by the crown to the assemblies of the two Provinces to agree upon arbitrators from neighbouring governments, and to pass acts which should bind each Province to be subject to their determinations. Several such acts passed, but they were not exactly conformable one to the other, or the operation of them was by some means or other obstructed. Massachusetts refused terms which afterwards they would gladly have accepted. They have done the like in other controversies. Long possession caused them to be loth to concede any part of the territory. New Hampshire took its name from the grants made by the council of Plymouth to captain John Mason. Of these there had been four or five, all containing more or less of the same lands. Exceptions were taken to all of them, and that which was the least imperfect was dated after the grant of Massachusetts, so that the whole controversy turned upon the construction of the Massachusetts charters. The first charter made the northern boundary to be three miles to the northward of Merrimack river, or to the northward of any and every part thereof. After running westward about thirty miles from the sea, the river alters its course, and tends to the north, or, to speak with more propriety, having run from its crotch or the meeting of Pemigewasset river and Winnepissiauke pond

to

* William Toller, esquire, the lieutenant governor, dying in 1732, in 1733 Spencer Phips, esquire, nephew by the sister and adopted son to Sir William Phips, succeeded. Mr. Belcher used his interest for Adam Winthrop, esquire. Both Winthrop and Phips had been several years members of the council.

to the southward about fifty miles, it then tends to the eastward about thirty miles, until it empties into the sea. It was urged by the advocates for Massachusetts colony that their boundary was to be three miles to the northward of the northernmost part of the river, and to extend east and west from the Atlantic to the South Sea. This swallowed up all New Hampshire and the greatest part of the Province of Maine. At a hearing before the king in council in 1677, the agents for Massachusetts, by advice, disclaimed all right of jurisdiction beyond the three miles north of the river according to the course, and it was determined they had a right as far as the river extended, but how far the river did extend was not then expressly mentioned. It seems however not to have been doubted; for although at the time of the grant of the first charter it does not appear that the course was known any great distance from the sea, yet, soon after the government was transferred from Old England to New, it was as well known by the name of Merrimack as far as Penicook as it is at this day, and the tribe of Indians which dwelt there had a correspondence with the English; and in 1639, persons were employed by the government of Massachusetts to explore that part of the country, and there are still preserved the testimonies of divers persons, declaring that they before that time always understood the river to be called by the same name, from the crotch to the mouth. If the first charter of Massachusetts had continued, it is not probable any different construction would ever have been started; but in the new charter the boundary is thus expressed, "extending from the great river, commonly called Monomack, alias Merrimack, on the north part and from three miles northward of the said river, to the Atlantic or Western Sea or ocean on the south part, &c." The whole, however, of the old colony being included in the new Province, many years passed without any thought of a different construction of bounds in the two charters, and the disputes between New Hampshire and Massachusetts, have been principally concerning the towns of Salisbury and Haverhill, which, when first granted by Massachusetts, were made to extend more than three

three miles from the river, and the part beyond the three miles remained under the jurisdiction by which they had been granted, which New Hampshire complained of. A new line, to begin three miles north of the mouth of Merrimack and so run west to the South Sea, is a modern construction. Some hints had been given of such a line, before or about the year 1726, and it was supposed by New Hampshire that Massachusetts were induced thereby to make grants of townships between Merrimack and Connecticut river, in order to strengthen their title by possession. Still there was a prospect of accommodation, and, in the year 1731, the committees from the assemblies of the two Provinces differed only upon the point of equivalents, the Massachusetts desiring to retain under their jurisdiction the whole of those towns which lay upon the river, and to give other lands as an equivalent for the property ; but about the same time the gentlemen of New Hampshire, who had for many years before been at the helm, thinking, and perhaps justly, that they were not well treated by Mr. Belcher, determined to exert themselves to obtain a governor for that Province, and to remain no longer under the same governor with Massachusetts. They had but little chance for this unless they could enlarge their bounds. The very proposal of a distinct government, as it increased the number of officers of the crown, they thought would be a favourable circumstance in settling the controversy with Massachusetts.

The house of representatives of New Hampshire, Oct. 7, 1731, by a vote appointed John Rindge, esquire, a merchant there, who was bound to England, their agent to solicit the settlement of the boundaries. But their main dependence was upon Mr. Thomlinson, a gentleman who had been in New Hampshire, and was then a merchant of note in London, and perhaps was as capable of conducting their cause as any person they could have pitched upon. He had the friendship of colonel Bladen, who at that day had great weight in the board of trade, and had conceived very unfavourable sentiments of Massachusetts in general, and did not like Mr. Belcher the governor. He employed a solicitor, Ferdinando Paris, one of the ^{first}

first rate, and who had a peculiar talent at slurring the characters of his antagonists. Many of his briefs which I have seen abound in this way. The first step in consequence of Mr. Rindge's petition was a question sent by the lords of trade to the attorney and solicitor general for their opinion, "From what part of Merrimack river the three miles from whence the dividing line between the Province of New Hampshire and the Province of Massachusetts is to begin, ought to be taken according to the intent of the charter of William and Mary." This was a plain intimation, that if the point where to begin could be settled, nothing more was necessary, the west line claimed by New Hampshire was to follow of course. The Massachusetts agent (Mr. Wilks) by his council would say nothing upon the question, because it would not determine the matters in dispute. Report was made, however, that it ought to begin three miles north of the mouth of Merrimack river. It was then proposed that commissioners should be appointed to settle this controversy. This the Massachusetts people were averse to, unless they knew who they were to be. They were at the same time afraid of its being determined in England, *ex parte*, if they should refuse to consent. A committee of the general court reported, that the agent should be instructed that the Province would agree to commissioners to be appointed, to settle the controversy, here. This report was accepted, the house intending the commissioners should be agreed upon by the two governments, some of the committee intending the agent should understand his instructions, to consent to the appointment of commissioners provided they sat here or in one of the two governments. A comma after the word *appointed*, and after the word *controversy*, would give the sense of the house, the last comma left out it might be taken in the sense of the committee; but as it is most probable the letter had no regular pointing, their meaning was to be guessed at.

This was treating the agent ill, and he was censured by the house for not observing his instructions. I have heard this account of the affair from some of the committee, who excused themselves for this equivocal report as being

necessary for the public service, the house not being willing to consent to an explicit submission. It was made a condition of the submission that private property should not be affected. The ministry in later instances have not waited for an express submission, but have appointed commissioners upon application from one party only.

The commissioners were all such as the New Hampshire agent proposed, five counsellors from each of the governments of New York, Rhode Island and Nova Scotia. With the two former governments, Massachusetts were then in controversy about lines. The latter, it was said, was disaffected to charter government. Connecticut, proposed by Massachusetts, was rejected because of a bias from their trade, religion, &c. which New Hampshire was afraid of. The place for the meeting of commissioners was Hampton in New Hampshire, the first of August.

The commissioners from Nova Scotia, with some of Rhode Island, met at the time appointed, and were afterwards joined by Mr. Livingstone from New York, who presided. After many weeks spent in hearing the parties and examining their evidence, the only doubt in the commissioners' minds was, whether the Massachusetts new charter comprehended the whole of the old colony. Not being able to satisfy themselves, and perhaps not being unwilling to avoid the determination, they agreed to make a special judgment or decree, the substance of which was, that if the charter of William and Mary grants to Massachusetts all the lands granted by the charter of Charles I. they then adjudge a curve line to begin three miles north of the mouth of the river, and to keep the same distance from the river as far as the crotch or parting at Pemigewasset and Winnepissaukee, and then to run west towards the South Sea until it meets with his majesty's other governments; but if the charter of William and Mary did not contain, &c. then they adjudge a west line to begin at the same place three miles north of the mouth and to run to the South Sea. This point in doubt they submitted to his majesty's royal pleasure.

The people of Massachusetts were sure of their cause. It was impossible, they thought, consistent with common sense,

sense, that the point in doubt should be determined against them. They thought it safest, however, to send to England a special agent, Edmund Quincy, esquire, one of the council, who had been one of the court's agents before the commissioners. He was joined with Mr. Wilks, and Mr. Belcher by his interest prevailed upon the assembly to add a third, his wife's brother, Richard Partridge. Exceptions, called an appeal, were offered to the judgment of the commissioners. Mr. Quincy died of the small-pox by inoculation, soon after his arrival in London ; the other two knew little or nothing of the controversy. The commissioners, however, had rendered it as difficult to determine a line against Massachusetts as if they had given a general judgment in their favour. The New Hampshire agent and solicitor thought of no expedient. In their brief, they pray the lords committee to report " that all the lands lying to the northward of Merrimack river, which were granted by the charter of king Charles I. to the late colony of Massachusetts, are not granted to the present Province of Massachusetts by the charter of king William and queen Mary." This never could have been done. At the hearing, it was thought proper to lay aside all regard to the judgment of the commissioners, and to proceed upon an entirely new plan. No doubt was made, that the old colony was all included in the new Province. The question was, what were the northern bounds of the colony of Massachusetts, which the council of Plymouth when they sold the territory to the patentees, and the king when he granted the jurisdiction, had in contemplation. This, it was said, must be a line three miles north of a river not fully explored, but whose general course was supposed to be east and west. So far therefore as it afterwards appeared that the river kept this course, so far it was equitable the line should continue ; but, as on the one hand if the river had altered its course and turned to the south, it would have been inequitable to have reduced the grant to a very small tract, so on the other hand, when it appeared to turn to the north, it was inequitable to extend the grant and make a very large territory, and

therefore defeat other grants made about the same time.* It was therefore determined that the northern boundaries of Massachusetts should be a line three miles from the river as far as Pantucket-Falls, then to run W. 10 deg. N. until it meets New York line.

The people of Massachusetts thought themselves aggrieved. They submitted the controversy to commissioners to be appointed by the crown, and had been fully heard. The whole proceedings of the commissioners were set aside, and without any notice to the government, the controversy was determined by a committee of council upon a new point on which their agent had never been instructed. And, however there might be the appearance of equity in the principle upon which their lordships proceeded, yet Massachusetts people supposed, if their possession for one hundred years, together with the determination of the king in council in 1677, and the acquiescence of all parties in this determination for about fifty years, had been urged and duly weighed, the balance upon the sole principle of equity would have been in their favour. It increased their mortification to find that they had lost by this new line several hundred thousand acres more than the utmost claim ever made by New Hampshire; for Merrimack river from the mouth to Pantucket-Falls tending to the south, it made a difference of four or five miles in breadth, the whole length of the line, between a line to run west from Pantucket-Falls and a line west from the Black Rocks.

The dispute about the bounds of the Province of Maine, which lies on the other side of New Hampshire, was upon the construction of the word *northwestward*. Massachusetts urged that it was the evident design of the grantors of the Province of Maine to describe a territory about one hundred and twenty miles square. At that day this was probably the reputed distance from Newichawannock or Piscataqua river to Kennebeck, along the sea coast, the general course of which was northeast and southwest, after

going

* The grant to Sir Henry Roswell and others was March 19th, 1627. That to Mason was November 7th, 1629, and was to extend sixty miles from the sea. But the river Merrimack turning to the north after about thirty miles from the sea, if the Massachusetts bounds had continued three miles distant from the river to the stretch, it would comprehend more than half of Mason's grant.

going up the two rivers to the heads, the lines were to run northwestward until one hundred and twenty miles were finished, and then a line back parallel to the line upon the sea. The agents for New Hampshire, at the court of commissioners, insisted that every body understood northwestward to be north a little, perhaps less than a quarter of a point, west. It not being possible to think of any reason for a line to run upon this course, Massachusetts could scarce suppose the New Hampshire agents to be serious, and imagined the commissioners would need no other reply than that every body understood a line running westward to be a line from east to west, and by the same rule of construction they supposed northwestward to be from southeast to northwest; that northeastward being explained in the same grant to be as the coast lay, proved in fact to be from southwest to northeast. They were, however, surprised with the determination of the commissioners, that northwestward intended north two degrees west. Why not one degree or three degrees as well as two? From this part of the judgment Massachusetts appealed. The agents in England obtained the celebrated doctor Halley's opinion, in writing under his hand, that in the language and understanding of mathematicians, a line to run northwestward is a line to run northwest; but this opinion did not prevail, and the judgment of the commissioners upon this point was confirmed by his majesty in council.

It behoved Mr. Belcher, the governor of both Provinces, to carry an even hand. It happened that the general court of Massachusetts, whilst it sat at Salisbury on the occasion of this controversy, made him a grant of 800l. currency, in consideration of the deficiency of their former grants, for his salary and his extraordinary expense and trouble in attending the court at a distance from his house and family. Soon after this grant, he adjourned the general courts of both Provinces, in order to their determining whether to abide by the result of the commissioners or to appeal from it; but the court of New Hampshire was adjourned to a day or two after the Massachusetts court, and it was said they were prevented entering

tering the appeal within the time limited. He did not care that either assembly should do any business when he was absent, and therefore intended first to finish the Massachusetts business, and immediately after proceed to New Hampshire.

This afforded matter of complaint from that Province, which Mr. Belcher was called upon to answer, and it was determined the complaint was well founded, and it being urged that the 300l. was intended as a bribe to influence him to this measure, Massachusetts thought their own honour concerned, and joined with him in his defence, which perhaps increased the suspicion of guilt and hastened his removal. That I may finish what relates to the controversy between the two Provinces, I must take notice of the conduct of Massachusetts upon the receiving his majesty's order in council. The lines, by the order, were to be run by two surveyors, one on the part of each Province, but if either Province refused, the other was to proceed *ex parte*. New Hampshire, whose highest expectations were exceeded, proposed to join, but were refused by Massachusetts, and thereupon appointed surveyors to run the lines of Massachusetts and Province of Maine *ex parte*. Both lines were complained of as being run favourably for New Hampshire; that of the Province of Maine is a subject of new controversy, it having been suggested that the surveyor mistook the main branch of the river Newichawannock, which if he had pursued would have made five or six miles in breadth to the advantage of Massachusetts. This refusal to join proceeded from the feeble, irresolute state of the minds of the house of representatives. Unwilling by any act of their own to express their submission to what they called an unequal decree, they ran the risk of its being carried into execution still more unequally; and yet succeeding houses, by a subsequent, long-continued, passive submission, as effectually subjected the Province as if it had been explicitly acknowledged at first.*

After

* I may not omit mentioning the death of Thomas Hutchinson, esquire, December 3d, 1739, who had been of the council except two years from 1714. I wish that many of his posterity may so justly deserve the character of true friends to their country. Regardless of the frowns of a governor or the threats of the people, he spoke and voted according to his judgment, attaching himself to no party any further than he found their measures tended to promote the public interest.

After the controversy about the governor's salary and the supply of the treasury was finished, there seemed to be a general disposition to rest, and we hear little of a party in opposition to the governor for several years together. Whilst the controversy with New Hampshire was depending, all of every party engaged in defence of the right of the Province. Besides, Mr. Cooke, who had been many years at the head of the popular party, was worn out with service, and having been some time in a declining state, died in the fall of 1737, and the town of Boston were so far from an apprehension of danger to their liberties, that they chose in his stead Mr. Wheelwright, the commissary-general, who depended upon the governor every year for his approbation after being elected by the council and house, and in 1738 three of the representatives of the town had the character of friends to government; but towards the end of the year a great clamour arose against the governor for adhering to his instruction about paper money, and against the three representatives, for their pernicious principles upon the subject of paper money, and at the town election for 1739 three others were chosen in their stead, two* of them professedly disaffected to the governor and promoters of popular measures, the third† although of great integrity, and for that reason desirous of a fixed currency, yet in his judgment against reducing the paper money, and a favourer of schemes for preventing its depreciation. Many country towns followed the example of Boston, and it appeared that a majority of the house were of the same principles with the town members. After Mr. Belcher's arrival, the house, as we have observed, had passed a vote for depositing 500l. sterling in the bank of England, to be used as they or their successors should think proper. This was concurred in council and consented to by the governor. This money, it was said, could not be better applied than in soliciting a relaxation of the governor's instruction concerning paper money, and Mr. Kilby, one of the Boston representatives, was chosen agent for the house, and a petition was by him presented from the house to his majesty in council, but it had no effect.

A general

* James Allen and Christopher Kilby.

† Edward Bromfield.

A general dread of drawing in all the paper money without a substitution of any other instrument of trade in the place of it, disposed a great part of the Province to favour what was called the land bank or manufactory scheme, which was began or rather revived in this year 1739, and produced such great and lasting mischiefs, that a particular relation of the rise, progress and overthrow of it may be of use to discourage and prevent any attempts of the like nature in future ages. By a strange conduct in the general court, they had been issuing bills of credit for eight or ten years annually for charges of government, and being willing to ease each present year, they had put off the redemption of the bills as far as they could; but the governor being restrained by his instruction from going beyond the year 1741, that year was unreasonably loaded with thirty or forty thousand pounds sterling taxes, which, according to the general opinion of the people, it was impossible to levy, not only on account of the large sum, but because all the bills in the Province were but just sufficient to pay it, and there was very little silver or gold, which by an act of government was allowed to be paid for taxes as equivalent to the bills. A scheme was laid before the general court by the author of this history, then one of the representatives of Boston, in which it was proposed to borrow in England upon interest, and to import into the Province, a sum in silver equal to all the bills then extant, and therewith to redeem them from possessors, and furnish a currency for the inhabitants, and to repay the silver at distant periods, which would render the burden of taxes tolerable by an equal division on a number of future years, and would prevent the distress of trade by the loss of the only instrument, the bills of credit, without another provided in its place. But this proposal was rejected. One great frailty of human nature, an inability or indisposition to compare a distant, though certain inconvenience or distress with a present convenience or delight, is said by some strangers, who come among us from Europe, to be prevalent in Americans, so as to make it one of their distinguishing characteristics. Be that as it may, it is certain that at this time a great number

ber of private persons, alleging that the preceding general court having suffered the Province to be brought into distress from which it was not in the power of their successors to afford relief, the royal instruction being a bar to any future emissions of bills until all that were then extant should be redeemed, resolved to interpose. Royal instructions were no bar to the proceedings of private persons. The project of a bank in the year 1714 was revived. The projector of that bank now put himself at the head of seven or eight hundred persons, some few of rank and good estate, but generally of low condition among the plebeians, and of small estate, and many of them perhaps insolvent. This notable company were to give credit to 150,000l. lawful money, to be issued in bills, each person being to mortgage a real estate in proportion to the sums he subscribed and took out, or to give bond with two sureties, but personal security was not to be taken for more than 100l. from any one person. Ten directors and a treasurer were to be chosen by the company. Every subscriber or partner was to pay three per cent. interest for the sum taken out, and five per cent. of the principal; and he that did not pay bills might pay the produce and manufacture of the Province at such rates as the directors from time to time should set, and they should commonly pass in lawful money. The pretence was that, by thus furnishing a medium and instrument of trade, not only the inhabitants in general would be better able to procure the Province bills of credit for their taxes, but trade, foreign and inland, would revive and flourish. The fate of the project was thought to depend upon the opinion which the general court should form of it. It was necessary therefore to have a house of representatives well disposed. Besides the eight hundred persons subscribers, the needy part of the Province in general favoured the scheme. One of their votes will go as far in popular elections as one of the most opulent. The former are most numerous, and it appeared that by far the majority of the representatives for 1740 were subscribers to or favourers of the scheme, and they have ever since been distinguished by the name of the land bank house.

Men of estates and the principal merchants in the Province abhorred the project and refused to receive the bills, but great numbers of shop-keepers, who had lived for a long time before upon the fraud of a depreciating currency, and many small traders, gave credit to the bills. The directors, it was said, by a vote of the company, became traders, and issued just what bills they thought proper without any fund or security for their ever being redeemed. They purchased every sort of commodity, ever so much a drug, for the sake of pushing off their bills, and by one means or other a large sum, perhaps fifty or sixty thousand pounds, was abroad. To lessen the temptation to receive the bills, a company of merchants agreed to issue their notes, or bills redeemable by silver and gold at distant periods, much like the scheme in 1733, and attended with no better effect. The governor exerted himself to blast this fraudulent undertaking, the land bank. Not only such civil and military officers as were directors or partners, but all who received or paid any of the bills, were displaced. The governor negatived the person chosen speaker of the house, being a director of the bank, and afterwards negatived thirteen of the new-elected counsellors who were directors or partners in or reputed favourers of the scheme. But all was insufficient to suppress it. Perhaps the major part, in number, of the inhabitants of the Province, openly or secretly were well-wishers to it. One of the directors afterwards acknowledged to me, that although he entered into the company with a view to the public interest, yet when he found what power and influence they had in all public concerns, he was convinced it was more than belonged to them, more than they could make a good use of, and therefore unwarrantable. Many of the most sensible discreet persons in the Province saw a general confusion at hand. The authority of parliament to control all public and private persons and proceedings in the colonies was, in that day, questioned by nobody. Application was therefore made to parliament for an act to suppress the company, which, notwithstanding the opposition made by their agent, was very easily obtained, and therein it was declared

ed that the act of the 6th of king George I. chapter the eighteenth, did, does and shall extend to the colonies and plantations in America. It was said the act of George I. when it passed, had no relation to America, but another act twenty years after gave it a force even from the passing it, which it never could have had without. This was said to be an instance of the transcendent power of parliament. Although the company was dissolved, yet the act of parliament gave the possessors of the bills a right of action against every partner or director for the sums expressed with interest. The company were in a maze. At a general meeting some, it was said, were for running all hazards, although the act subjected them to a præmuniare, but the directors had more prudence, and advised them to declare that they considered themselves dissolved, and met only to consult upon some method of redeeming their bills from the possessors, which every man engaged to endeavour in proportion to his interest, and to pay in to the directors or some of them to burn or destroy. Had the company issued their bills at the value expressed in the face of them, they would have had no reason to complain of being obliged to redeem them at the same rate; but as this was not the case in general, and many of the possessors of the bills had acquired them for half their value, as expressed, equity could not be done, and so far as respected the company, perhaps, the parliament was not very anxious, the loss they sustained being but a just penalty for their unwarrantable undertaking if it had been properly applied. Had not the parliament interposed, the Province would have been in the utmost confusion, and the authority of government entirely in the land bank company.

Whilst Mr. Belcher, by his vigorous opposition to the land bank, was rendering himself obnoxious to one half the people of the Province, measures were pursuing in England for his removal from the government. Besides the attempts which we have mentioned from New Hampshire, which had never been laid aside, there had always been a disaffected party in Massachusetts who had been using what interest they had in England against him. Lord Wilmington, president of the council, the speaker of

of the house of commons, and Sir Charles Wager, first lord of the admiralty, all had a favourable opinion of Mr. Belcher, so had Mr. Holden, who was at the head of the dissenters in England, and all upon one occasion or another had appeared for him.

The most unfair and indirect measures were used with each of these persons to render Mr. Belcher obnoxious and odious to them. The first instance was several years before this time. A letter was sent to Sir Charles Wager in the name of five persons whose hands were counterfeited, with an insinuation that Mr. Belcher encouraged the destruction of the pine trees reserved for masts for the navy, and suffered them to be cut into logs for boards. Forgeries of this sort strike us with more horror than false insinuations in conversation, and perhaps are equally mischievous in their effects. The latter may appear the less criminal because abundantly more common.

An anonymous letter was sent to Mr. Holden, but the contents of it declared that it was the letter of many of the principal ministers of New England, who were afraid to publish their names lest Mr. Belcher should ruin them. The charge against him was a secret undermining the congregational interest in concert with commissary Price and doctor Cutler, whilst at the same time he pretended to Mr. Holden and the other dissenters in England to have it much at heart. To remove suspicion of fraud, the letter was superscribed in writing, either in imitation of doctor Colman's hand, a correspondent of Mr. Holden, or, which is more probable, a cover of one of his genuine letters had been taken off by a person, of not an unblemished character, to whose care it was committed, and made use of to inclose the spurious one. Truth and right are more frequently, in a high degree, violated in political contests and animosities than upon any other occasion. It was well known that nothing would more readily induce a person of so great virtue as the speaker to give up Mr. Belcher than an instance of corruption and bribery. The New Hampshire agents therefore furnished him with the votes of the Massachusetts assembly, containing the grant of 800l. and evidence of the adjournment of New Hampshire

shire assembly, alleged to be done in consequence, nor was he undeceived until it was too late.

Mr. Wilks, the Massachusetts agent, who was in great esteem with lord Wilmington, and was really a person of a fair upright mind, had prevented any impressions to Mr. Belcher's prejudice ; but it unluckily happened that the land bank company employed Richard Partridge, brother by marriage to Mr. Belcher as their agent. He had been many years agent for his brother, which fact was well known to his lordship, but, from an expectation of obtaining the sole agency of the Province by the interest of the prevailing party there, engaged zealously in opposing the petitioners to the house of commons, and gave out bills at the door of the house. It was said that all Mr. Belcher's opposition to the scheme, in the Province, was mere pretence ; had he been in earnest, his agent in England would never venture to appear in support of it, and this was improved with lord Wilmington to induce him to give up Mr. Belcher, and it succeeded. Still the removal was delayed one week after another, two gentlemen from Massachusetts continually soliciting. At length, it being known that lord Euston's election for Coventry was dubious, one of these gentlemen undertook to the duke of Grafton to secure the election, provided Mr. Belcher might immediately be removed ; and, to accomplish his design, he represented to Mr. Maltby, a large dealer in Coventry stuffs and a zealous disenter, that Mr. Belcher was, with the episcopal clergy, conspiring the ruin of the congregational interest in New England, and unless he was immediately removed it would be irrecoverably lost ; that the duke of Grafton had promised, if lord Euston's election could be secured, it should be done ; that letters to his friends in Coventry would infallibly secure it ; that he could not better employ his interest than in the cause of God and of religion. Maltby swallowed the bait, used all his interest for lord Euston, the two gentlemen spent three weeks at Coventry, and having succeeded, agreeable to the duke's promise Mr. Belcher was removed a day or two after their return. This account I received from Mr. Maltby himself, who lamented that he had suffered himself to be so easily imposed on.

A few

A few weeks longer delay would have baffled all the schemes. The news arrived of his negativing thirteen counsellors and displacing a great number of officers concerned in the land bank, and his zeal and fortitude were highly applauded when it was too late. Being in London at this time, I had opportunity of fully informing myself of these facts. Certainly, in public employments no man ought to be condemned from the reports or accusations of a party without a sufficient opportunity given him to exculpate himself, a plantation governor especially, who, be he without guile, or a consummate politician, will infallibly have a greater or lesser number disaffected to him.

Mr. Shirley, successor to Mr. Belcher, was a gentleman of Sussex, bred in the law, and had been in office in the city, but having prospect of a numerous offspring, was advised to remove to Boston in Massachusetts, where he had resided six or eight years and acquired a general esteem, and if there must be a change, it was said to be as acceptable to have it in his favour as any person whosoever. His lady was then in London, and had obtained the promise of the collector's place for the port of Boston, and would have preferred it to the government; but a strong interest being made for Mr. Frankland, since Sir Henry Frankland, there was no way of providing for both, except by giving the government to Mr. Shirley.

The news came to Boston the first week in July. Mr. Shirley was at Providence in Rhode Island government, council for Massachusetts before a court of commissioners appointed to settle the line between the two governments. As I was not then in America and the records of that time are burnt, I cannot give so particular an account of the proceedings of those commissioners as otherwise I should have done. It is certain, that for divers years past the only part in controversy between the two governments was a small gore of land between Attleborough in Massachusetts and the old township of Providence. A great part of the Massachusetts assembly wished it might be ceded to Rhode Island, but a few tenacious men, who do not always regard consequences, influenced a majority against it.

it. Besides a settlement made by commissioners in 1664 or 65, another settlement had been made or the old one confirmed in 1708, but Rhode Island, encouraged by the ill success of Massachusetts in the controversy with New Hampshire, applied to his majesty to appoint commissioners to settle the line between the two governments. The consent or submission of Massachusetts to such appointment was not thought necessary, and, if they would not appear, the commissioners were to proceed *ex parte*. The Massachusetts assembly thought proper to appear by their committee, having no apprehensions the controversy would turn, in the judgment of the commissioners, upon a point never before relied upon, viz. that the colony of New Plymouth having no charter from the crown, Rhode Island charter must be the sole rule of determining the boundary, although the patent from the council of Plymouth to Bradford and associates was prior to it. The colony of New Plymouth was a government *de facto*, and considered by king Charles as such in his letters and orders to them before and after the grant of Rhode Island charter, and, when the incorporation was made of New Plymouth with Massachusetts, &c. the natural and legal construction of the Province charter seems to be that it should have relation to the time when the several governments incorporated respectively, in fact, became governments. A gentleman of the council of New York had great influence at the board of commissioners. The argument which had been made use of in former controversies, that Massachusetts was too extensive, and the other governments they were contending with, of which New York was one, were too contracted, was now revived. To the surprise of Massachusetts, a line was determined which not only took from them the gore formerly in dispute, but the towns of Bristol, Tiverton and Little Compton, and great part of Swanzey and Barrington.* An appeal was claimed and allowed to his majesty in council, where, after lying four or five years, the decree of the court of commissioners was confirmed. In the prosecution and defence of this title, it has been said, that some material

evidence

* All this country was conquered by Massachusetts and Plymouth from Philip, and, to prevent dispute, was expressly granted to Plymouth by Charles II.

evidence was never produced which would have supported the Massachusetts claim.

Mr. Shirley found the affairs of the Province in a perplexed state. The treasury was shut and could not be opened without some deviation from the royal instructions ; the bills of credit were reduced, and nothing substituted as a currency in their stead ; the land bank party carried every point in the house, there seemed to be a necessity of securing them, the great art was to bring them over to his measures and yet not give in to their measures so as to lose his interest with the rest of the Province and with the ministry in England. Some of the principal of them, who knew their own importance, were willing to have some assurance of favour from him, at the same time they engaged to do every thing to serve him. The first step, on their part, was the advancement of the governor's salary to the full value of 1000l. sterling per annum: This had been most unjustifiably evaded all the latter part of Mr. Belcher's administration, by granting a sum in bills of credit without a due regard to their depreciation. Mr. Kilby, who had been very active for Mr. Shirley's interest and against Mr. Belcher, in England, was chosen agent for the Province in England, and Mr. Wilks, who had been agent the whole of the last administration, was laid aside. Mr. Auchmuty, who had been one of the land bank directors, was joined with Mr. Kilby in the affair of the Rhode Island line. A grant of about 200l. sterling was made to John Sharpe, esquire, for his account of charge in defending Mr. Belcher against New Hampshire's complaint to the king in council. This had been repeatedly refused in Mr. Belcher's time, which gave great offence to Mr. Sharpe. It was thought extraordinary that Mr. Shirley should make it a point with the land bankers that this debt for his predecessor should be paid ; but to take Mr. Sharpe off from Mr. Belcher and engage him for Mr. Shirley, the friends and solicitors for the latter in England had engaged that if he was appointed governor Mr. Sharpe's account should be paid.

But the grand affair to settle was that of the bills of credit. The instruction was express not to consent to any

any act which should continue the bills beyond the time fixed for their being brought in. If this was complied with, a tax must have been made for the whole sum extant in that year 1741. This, it was said, would be a burden that the people would never bear. Mr. Shirley was sensible that the intent of his instruction was the prevention of a depreciating currency. No matter how large a sum in bills was current if their value could be secured. If the spirit of the instruction could be preserved, an exact conformity to the letter would not be required. Every scheme for fixing the value of the bills had failed. A new project was reported by a committee of the house and accepted, and afterwards concurred by the council and consented to by the governor. This was a scheme to establish an ideal measure in all trade and dealings, let the instrument be what it would. The act which passed the court declared that all contracts should be understood payable in silver at 6*s. 8d.* the ounce, or gold in proportion. Bills of a new form were issued, 20*s.* of which expressed in the face of the bill three ounces of silver, and they were to be received accordingly in all public and private payments, with this saving, that, if they should depreciate in their value, an addition should be made to all debts as much as the depreciation from the time of contract to the time of payment. How to ascertain the depreciation from time to time was the great difficulty in framing the act. To leave it to a common jury would never do. There was some doubt whether a house of representatives would be wholly unbiased. At length it was agreed that the eldest counsellor in each county should meet once a year and ascertain the depreciation. This is said to have been the scheme of colonel Stoddard of Northampton, a gentleman of good sense and great virtue, who probably saw the defects, but hoped to substitute a lesser evil in the place of a greater.

This at best must have been a very partial cure. It did not prevent the loss from the depreciation of the bills in those persons' hands through which they were continually passing. All debts, which were contracted and paid between the periods when the value of the bills were fixed annually, could not be affected by such fixing; and unless

less in debts of long standing, which the debtor could not pay without an action at law, demand was not ordinarily made for depreciation ; and what rendered it of little effect in all other cases, the counsellors appointed to estimate the depreciation never had firmness enough in any instance to make the full allowance, but when silver and exchange had rose 20 per cent. or more, an addition was made of four or five only. The popular cry was against it, and one year when Nathaniel Hubbard, esquire, the eldest counsellor for the county of Bristol, a gentleman of amiable character, and who filled the several posts he sustained with applause, endeavoured to approach nearer to a just allowance than had been made in former years, he felt the resentment of the house, who left him out of the council the next election. In short, the act neither prevented the depreciation of the bills, nor afforded relief in case of it, and was of no other service than to serve as a warning, when an act passed for the establishing a fixed currency a few years after, to leave nothing to be done by any person or bodies of men, or even future legislatures, to give the act its designed effect, but in the act itself to make full provision for its execution in every part.

Even this act, which with its fair appearance justified Mr. Shirley in departing from his instruction, and afforded a supply of the treasury for the payment of debts and future support of government, could not have been obtained if he had not prevailed with the land bank party, contrary to the inclinations of many of them, to join in promoting it.

He made them return, by consenting to any new elections that were made of any of them into the council, by restoring now and then one and another to the posts they had been deprived of, which, though it was done by degrees, caused many who condemned the land bank and all who were concerned in it, to be very free in their censures upon him.

But the great favour they expected was relief from the severity of the act of parliament. This was to be touched with great tenderness and delicacy. Every person concerned was liable to the demands of the possessors of the bills.

bills. If large demands should be made upon any particular persons, it seemed but just that the rest should contribute their proportion; but no demand was given by the act to one partner against another in such case. A bill was therefore prepared with a professed design to carry the act of parliament equitably into execution. Three commissioners were appointed by the bill, with power to tax all who had been concerned in the scheme in proportion to their interest in it, and with the monies thus raised to redeem the company's bills from the possessors, and after the redemption of the bills to make an equitable adjustment between the members and the company. Great care was taken to avoid all opposition to the act of parliament; Mr. Shirley, however, did not think proper to sign the bill until he had sent a copy of it to England, and received directions concerning it. After it had passed both houses, to oblige the principal land bankers, he continued the session of the court by long repeated adjournments many months, and before the expiration of the year gave his consent to the bill. Having thus secured a considerable party in the government without losing those who had been in opposition to them, he rendered his administration easy, and generally obtained from the assembly such matters as he recommended to them.

From the Spanish war in 1740, a French war was expected every year to follow. Castle William, the key of the Province, was not only effectually repaired, but a new battery of twenty forty-two-pounders, which takes the name of Shirley battery, was added to the works, with a larger magazine than any before, and a large supply of powder, all at the expense of the Province. The cannon, mortars, shot and other stores were the bounty of the crown. The forts upon the frontiers were also put into good order, and upon a representation from Mr. Mascarene, commander in chief at Annapolis in Nova Scotia, of the defenceless state of that Province and the danger they were in from the enemy, Mr. Shirley, in 1744, prevailed upon the Massachusetts assembly to vote pay, &c. for two hundred men which were sent there, and who were the probable means of saving that country from falling into the enemy's hands.

But the great event in this administration was the siege and reduction of Louisbourg. Canso had been surprised and taken by nine hundred men under Duvivier from Louisbourg,* before the war with France was known at Boston.† With another party, Duvivier made an attempt the same summer upon Annapolis, but was disappointed. Many of our vessels had been taken by the French men-of-war and privateers and carried into Louisbourg. The fishermen had no intention to go upon their voyages the next summer, and every branch of trade, it was supposed, must be carried on by vessels under convoy. It was the general voice, in the fall of the year, that Louisbourg must be taken, but nobody supposed that the united force of the colonies could take it ; application must be made to his majesty for sea and land forces sufficient for the purpose. As winter approached, it began to be suggested that it was not improbable the place might be surprised or taken by a *coup du main*, the inhabitants and garrison being shut up within the walls. Some of the garrison of Canso, who had been prisoners, and who professed to be well acquainted with the fortifications and garrison at Louisbourg, favoured this opinion, and declared that in winter the snow often lay in drifts or banks against a particular part of the wall, where there were no embrasures nor any cannon mounted ; that the crust would bear a man's weight, and, in that part at least, the walls might be scaled, and perhaps by the help of ladders it would not be difficult in other parts ; that the grand battery, intended for defence in case of an attack by sea, would not be capable of long resisting if attacked by land. Mr. Vaughan,‡ who had been a trader at Louisbourg, was very sanguine also that the place might be taken by surprise, and it was generally agreed that if they should be mistaken yet it would not be possible for the enemy, who were scant of provisions, to stand a siege until the time the supplies usually arrived to them from France ; and, to prevent any chance-vessel's from entering, a sufficient naval force might

* May 13, 1744.

† June 2d. war proclaimed at Boston.

‡ Mr. Vaughan was called the projector of the expedition. It is probable he laid before the governor a proposal for it, and it is certain he took great pains to induce the people to think favourably of it.

might be provided to cruise before the harbour. Whilst this was the conversation abroad, Mr. Shirley was diligently inquiring of those persons who had been traders and of others who had been prisoners there, into the condition of the place, the usual time for the arrival of supplies from Europe, the practicability of cruising off the harbour, &c. He had before wrote to the ministry, and represented the necessity of a naval force early in the spring, for the preservation of Annapolis. If this should arrive he might be able to prevail with the commander to cover our forces with it. Commodore Warren was with several ships at the Leeward Islands. It was possible, when he was acquainted with the expedition, he would come with or send part of his force to strengthen it. These were the only chances for a naval strength sufficient to cope with a single capital French ship that might be bound to Louisbourg in the spring. The ministry, indeed, would by express be immediately acquainted with the expedition, if engaged in, but Europe was at too great distance to expect timely aid from thence. The plan of the expedition was, a land force of four thousand men in small transports to proceed to Canso, and the first favourable opportunity to land at Chapeaurouge-bay, with cannon, mortars, ammunition and warlike stores, and all other necessaries for carrying on a siege ; and to prevent a supply of provision and stores to the enemy, several vessels were to cruise off the harbour of Louisbourg, as soon as the season of the year would permit. An estimate was made of all the naval force which could be procured in this and the neighbouring colonies, the largest vessel not exceeding twenty guns. With this land and sea force, it was said there was a good chance for success, and if the men-of-war should arrive, which there was good reason to hope for, there was all imaginable grounds to depend upon the reduction of the place. The general court being sitting the beginning of January, the governor sent a message to the two houses to let them know he had something to communicate to them of very great importance, but of such a nature that the publishing it, before they should come to any resolution upon it, might wholly defeat the design ; he therefore

desired

desired they would lay themselves under an oath of secrecy for such time as each house should think proper. This they did, although it was the first instance in the house of representatives, without any scruple, and then he communicated to them his proposed plan of the expedition. Many of the members, who had heard little or nothing of the conversation upon the subject, were struck with amazement at the proposal. The undertaking they thought to be vastly too great, if there was a rational prospect of success. However, in deference to the recommendation of the governor, a committee of the two houses were appointed to consider the proposal. Here, the proposal was for several days deliberated and weighed. Louisbourg, if left in the hands of the French, would infallibly prove the Dunkirk of New England ; their trade had always been inconsiderable, their fishery was upon the decline, and for several years past they had bought fish of the English at Canso cheaper than they could catch and cure it themselves, both trade and fishery they might well lay aside, and by privateering enrich themselves with the spoils of New England ; and to all these dangers was added that of losing Nova Scotia, which would cause an increase of six or eight thousand enemies in an instant. The garrison of Louisbourg was disaffected, provisions were scant, the works mouldering and decayed, the governor an old man unskilled in the art of war ; this therefore was the only time for success, another year the place would be impregnable. We had nothing to fear from the forces at Louisbourg ; before additional strength could arrive from France they would be forced to surrender. We had, it must be owned, no ships of strength sufficient to match the French men-of-war, unless, perhaps, a single ship should fall in by herself, and in that case five or six of ours might be a match for her ; but there was no probability of men-of-war so early, and it was very probable English men-of-war from Europe or the West Indies would arrive before them. There was always uncertainty in war, a risk must be run : if we failed we should be able to grapple with the disappointment, although we should bear the whole expense ; but if

if we succeeded, not only the coasts of New England would be free from molestation, but so glorious an acquisition would be of the greatest importance to Great Britain and might give peace to Europe, and we might depend upon a reimbursement of the whole charge we had been at.

On the other hand it was replied, that we had better suffer in our trade than by so expensive a measure deprive ourselves of all means of carrying on any future trade; that we were capable of annoying them in their fishery as much as they could annoy us in ours, and in a short time both sides would be willing to leave the fishery unmolested; that the accounts given of the works and the garrison at Louisbourg could not be depended upon, and it was not credible that any part of the walls should be unguarded and exposed to surprise; that instances of disaffection rising to mutiny were rare, and but few instances were to be met with in history where such expectation has not failed. The garrison at Louisbourg consisted of regular experienced troops, who, though unequal in number, would be more than a match in open field for all the raw unexperienced militia which could be sent from New England; that twenty cruisers at that season of the year would not prevent supplies going into the harbour, it being impossible to keep any station for any length of time, and the weather being frequently so thick, that a vessel was not to be discovered at a quarter of a mile's distance; that there was no room to expect any men-of-war for the cover of our troops; that if only one sixty-gun ship should arrive from France, or the French islands, she would be more than a match for all the armed vessels we could provide, our transports at Chapeaurouge-bay would be every one destroyed, and the army upon Cape-Breton obliged to submit to the mercy of the French; that we should be condemned in England for engaging in such an affair without their direction or approbation, and we should be no where pitied, our misfortunes proceeding from our own rash and wild measures. To these arguments were added the uncertainty of raising a sufficient number of men, or of being able to procure provisions,

warlike

warlike stores and transports, discouragement from the season of the year, when frequently, for many days together, no business could be done out of doors. Money indeed could be furnished, or bills of credit in lieu of it, but the infallible consequence would be the sinking the value of the whole currency, to what degree no man could determine, but probably in proportion to the sum issued ; and finally, if we should succeed, a general national benefit would be the consequence, in which we should be but small sharers, and far short of the vast expense of treasure, and perhaps of lives in obtaining it ; and if we failed, such a shock would be given to the Province, that half a century would not recover us to our present state. After mature deliberation, a majority of the committee disapproved the proposal, and their report was accepted, and for a few days all thoughts of the expedition with the members of the court were laid aside. In the mean time, the governor, who wished his proposal had been agreed to, but did not think it proper to press it any further by message or by privately urging the members, either directed or encouraged the carrying about a petition which was signed by many of the merchants in the town of Boston, but principally by those of Salem and Marblehead, directed to the house of representatives, or to the two houses, praying, for reasons set forth, among others the saving the fishery from ruin, they would reconsider their vote, and agree to the governor's proposal of an expedition against Louisbourg. A second committee, appointed upon this petition, reported in favour of it,* and the 26th of January their report came before the house, who spent the day in debating it, and at night a vote was carried in favour of it by a majority of one voice only. Never was any affair deliberated upon with greater calmness and moderation ; the governor indeed laid the affair before the court, but left the members free to act their judgment without any solicitation, and there appeared no other division than what was caused by a real difference in opinion upon the true interest of the Province.

The

* It was accompanied with a message from the governor recommending it, and desiring they would hear the persons from whom he had received his intelligence.

The point once settled, there was immediately a union of both parties in the necessary measures for carrying the design into execution, those who had opposed it before being employed upon committees, and exerting themselves with zeal equal to that of the principal promoters. An embargo was laid upon every harbour in the Province, and messengers were immediately dispatched to the several governments, as far as Pennsylvania, to entreat an embargo on their ports, and that they would join in the expedition. All excused themselves from any share in the adventure, except Connecticut, who agreed to raise five hundred men, New Hampshire three hundred, and Rhode Island three hundred. Connecticut and Rhode Island also consented their colony sloops should be employed as cruisers. A small privateer ship, about two hundred tons, and a snow of less burden, belonging to Newport, were hired there by Massachusetts, a new snow captain Rouse, a ship, captain Snelling, were taken into the service at Boston, which, with a snow, captain Simethurst, and a brig, captain Fletcher, three sloops, captains Sanders, Donahew and Bosch, and a ship of twenty guns, purchased on the stocks, captain Tyng the commodore, made the whole naval force.

From the day the vote passed until the place was reduced, a series of favourable incidents contributed to our success. They will be obvious enough in the course of the narrative, and will not require being specially remarked. The time for preparing was short. The winter proved so favourable, that all sorts of out-door business was carried on as well and with as great dispatch as at any other season of the year. In the appointment of a general officer, one qualification was considered as essential, that he should be acceptable to the body of the people; the enlistment depended upon this circumstance. It was not easy to find a person, thus qualified, willing to accept the trust. Colonel Pepperell, having the offer from the governor, was rather pressed into the service than voluntarily engaged. Besides a very great landed interest, he was largely concerned in mercantile affairs, which must necessarily suffer by his absence, and this being generally known

known had no small influence, from the example, with inferior officers and even private soldiers, to quit their lesser affairs, for a season, for the service of their country. Many of the private soldiers were freeholders, and many more sons of wealthy farmers, who could have no other views in consenting to the enlistment of their children than the public interest.

Mr. Shirley had set his heart so much upon the expedition, that many points were conceded by him which he would not have given up at any other time, and the people of the Province submitted to compulsory measures from the government, which at another time would have been grievous and not very patiently borne. Such officers were nominated by the governor as the people proposed or called for, because they were most likely to enlist men. Instead of a commissary general, an officer appointed by the governor, a committee of war was chosen by the two houses out of their own members. Nothing further was heard of the royal instruction against bills of credit. Such sums as the service called for, and to be redeemed at such periods as the house thought proper, were consented to by the governor. It soon appeared that these sums would vastly exceed what had been computed, and many declared that, had a right estimate been made, they should never have voted for the expedition, but it was now too late to go back. It was found also, that transports and vessels of war could not be engaged unless the government would become insurers, which, although it occasioned no additional expense at first, yet, in case of ill success, would greatly increase the public debt and distress. The committee of war were likewise convinced that a sufficiency of provisions, clothing and warlike stores could not be procured within the Province. Whosoever was possessed of any of these articles, by an act or order of government his property was subjected to the committee, who set such price as they judged equitable, and upon refusal to deliver, entered warehouses, cellars, &c. by a warrant for that purpose to the sheriff, and took possession. In the course of the preparation, many vessels unexpectedly arrived with more or less

less of each of these articles, and after all, the army was poorly enough provided. Ten cannon, eighteen-pounders, were obtained upon loan, not without difficulty, from New York, otherwise Mr. Shirley himself seemed to doubt whether we could proceed. Some dependence was placed upon cannon from the grand battery, but this was too manifest a disposal of the skin before the bear was caught. By force of a general exertion in all orders of men, the armament was ready, and the general, on board the Shirley now, captain Rouse, with the transports under her convoy, sailed from Nantasket the 24th of March, and arrived at Canso the 4th of April. The Massachusetts land forces consisted of three thousand two hundred and fifty men, exclusive of commission officers. The New Hampshire forces, three hundred and four, including officers, arrived four days before. Connecticut, being five hundred and sixteen, inclusive, did not arrive until the 25th. The deputy governor of the colony, Roger Wolcot, esquire, had the command, and was the second officer in the army. Rhode Island waited until a better judgment could be made of the event, their three hundred not arriving until after the place had surrendered. The 23d of March, an express boat sent to commodore Warren in the West Indies returned to Boston. As this was a provincial expedition, without orders from England, and as his small squadron had been weakened by the loss of the Weymouth, Mr. Warren excused himself from any concern in the affair. This answer must necessarily strike a damp into the governor, as well as the general and brigadier Waldo, then next in command, who were the only persons in the army made privy to it before the fleet sailed. Several of the cruising vessels sailed the middle of March, but they could be no protection to the army against two capital ships: if they intercepted small vessels it was the most that was expected. A block-house with eight cannon was built at Canso. Whether some good reason would not have been given for proceeding no further than Canso, if there had been a disappointment in the expected junction of men-of-war from the several quarters to which notice of the expedition had been sent, may well enough be

be made a question. Mr. Shirley hoped, if the reduction of Louisbourg was not effected, at least Canso would be regained, Nova Scotia preserved, the French fishery broke up, and the New England and Newfoundland fisheries restored. But on the 23d of April, to the great joy of the army, arrived at Canso the Eltham of forty guns, from New England, by order from Mr. Warren, and on the 23d the commodore himself, in the Superb of sixty guns, with the Launceston and Mermaid of forty each, arrived also. This gave great spirits to all who had the success of the expedition at heart; for although this was not a naval force to enter the harbour or annoy the forts, yet it was a cover to the army and equal to any expected force from France. It seems that, in two or three days after the express sailed from the West Indies for Boston, the Hind sloop brought orders to Mr. Warren to repair to Boston, with what ships could be spared, and to concert measures with Mr. Shirley for his majesty's general service in North America. Upon the passage* to Boston, the commodore received intelligence that the fleet had sailed for Canso, and meeting with a schooner at sea† he sent her to Boston, to acquaint Mr. Shirley that he would proceed to Canso, and at the same time sent orders to any ships which might be in these seas to join him. The Eltham was actually under sail with the mast fleet, when an express sent from Boston with the commodore's orders arrived at Portsmouth in New Hampshire, but being followed and overtaken by a boat, the captain ordered his convoy into port again, and sailed for Canso. After a short consultation with the general, the men-of-war sailed to cruise before Louisbourg. The cruisers, before this, had intercepted several small vessels bound in there with West India goods and provisions, and had engaged the Renommee,‡ a French ship of thirty-six guns sent from France with dispatches, and who kept a running-fight with our vessels for some time, being able with ease to out-sail them, and after

two

* April 12th.

† An excellent pilot, who had escaped for fear of being pressed into the service, happened to be on board this schooner. The commodore took him out, and it is said would not have ventured without him. The Vigilant must then have got into Louisbourg, and perhaps have defeated the whole design.

‡ April 18th.

two or three attempts to enter the harbour, went back to France, to give an account of what she had met with. She fell in with the Connecticut troops, under convoy of their own and the Rhode Island colony sloops, both which she had strength enough to have carried, but after some damage to the Rhode Island sloop, she went her way. The forces landed at Chapeaurouge-bay the 30th of April. The transports were discovered, early in the morning, from the town, which was the first knowledge of any design against them. The cruisers had been seen every fair day before the harbour, but these were supposed to be privateers in search after their trading and fishing vessels. The night before, it is said, there was a grand ball at the fort, and the company had scarce been aleep when they were called up by an alarm. Bouladrie, a French officer, was sent with one hundred and fifty men to oppose the landing, but the general making a feint of landing at one place, drew the detachment there, and this opportunity was taken for landing one hundred men at another place without opposition, although they were soon after attacked by the detachment, six of which were killed on the spot, and about as many more, with Bouladrie their leader, were taken prisoners ; the rest fled to the town, or they would soon have fallen into the hands of our men, who were landing fast one upon the back of another.

The next morning after they landed, four hundred men marched round to the north-east harbour, behind the hills, setting fire to all the houses and store-houses, until they came within a mile of the grand battery. Some of the store-houses having in them pitch, tar, and other combustible stuff, caused such a thick smoke, that the garrison were unable to discover an enemy, though but a few rods distant ; and expecting the body of the army upon them, they deserted the fort, having thrown their powder into a well, but leaving the cannon and shot for the service of the English. A small party, of less than twenty English, first came up to the battery, and discovering no signs of men, suspected a plot and were afraid to enter ; at length, it is said, a Cape-Cod Indian went in alone, and discovered the state of it to the rest of the party, just as some of the

the French were re-landing in order to regain the possession of it.

The army found they had near two miles to transport their cannon, mortars, shot, &c. through a morass. This must be done by mere dint of labour. Such of the men as had been used to drawing pine trees for masts, and those who had the hardiest and strongest bodies, were employed in this service. Horses and oxen would have been buried in mud and were of no use. Brigadier Waldo had the command of the grand battery. The French kept firing upon the battery from the town as well as from the island battery, but to little purpose, the town being near two thousand yards distant and the island about sixteen hundred. A constant fire was kept from the grand battery upon the town with the forty-two-pounders. This greatly damaged the houses, but caused so great an expense of powder that it was thought advisable to stop and reserve it for the fascine batteries. Five of these were erected, the last the 20th of May, called Tidcomb's* battery, with five forty-two-pounders, which did as great execution as any. Our men knew nothing of regular approaches, they took the advantage of the night, and when they heard Mr. Baftide's proposals for zigzags and epaulements, they made merry with the terms and went on, void of art, in their own natural way. Captain Pierce, a brave officer, standing at one of these batteries had his bowels shot away by a cannon ball, and lived just long enough to say, *It's hard to die.*

Whilst our people were thus busy ashore, the men-of-war and other vessels were cruising off the harbour whenever the weather would permit, and the 18th of May, the Vigilant, a French man-of-war of sixty-four guns, having five hundred and sixty men on board and stores of all sorts for the garrison, was met with by the Mermaid, whom she attacked, but captain Douglaſs the commander, being of unequal force, suffered himself to be chased by her until he drew her under the command of the commodore

* Major Tidecomb's readiness to engage in the most hazardous part of the service was acknowledged and applauded. He survived the siege, was colonel of a regiment when general Johnson was attacked by Dieskau, and then lost his life in the service of his country.

dore and the other ships cruising with him, to whom, or, as some say, to the Mermaid she struck, because she had first met with her. This capture gave great joy to the army, not so much for the addition made to our naval force, as for the disappointment to the enemy. A proposal had been made, a few days before, that the men-of-war should anchor in Chapeaurouge-bay, and that the marines and as many sailors as could be spared should land and join the army. The Vigilant would then have got in, and we should have given over the siege. Affairs were now in such a state, that our anxiety at Boston was much lessened. We hoped the army might retreat with safety, whenever it should be determined to give over the siege, for Bouliadrie, who belonged to the town of Louisbourg, and the marquis de la Maison forte, commander of the Vigilant, who was well acquainted with the state of the place, when they came to Boston, were sanguine that it would hold out longer than our men, and soon after* we had the news of a fruitless and perhaps a rash attempt upon the island battery by four hundred men, sixty of whom were killed and one hundred and sixteen taken prisoners. The Cæsar, Snelling, one of the ships in the provincial service, arrived at Boston with letters from the general, and an application for more men and a further supply of powder. Massachusetts agreed to and actually did raise four hundred men, and sent all the powder that could be purchased, and Connecticut raised two hundred men; but there were neither men nor powder arrived when the siege was finished.

The Princess Mary of sixty and the Hector of forty guns, unexpectedly had arrived at Boston from England, and were immediately sent to join the commodore, pursuant to his general orders, and arrived before Louisbourg the 22d of May. This increase of naval force occasioned conjectures, some being of opinion, that, rather than the siege should be raised, the ships would attempt to go in; but it was generally supposed the hazard would be too great. It was commonly reported that colonel More of the

New

[* Here is a chronological mistake. The attempt on the island battery was May 26. The marquis did not leave Cape Breton until after June 7.]

New Hampshire regiment offered to go on board the Vigilant with his whole regiment, and to lead the van, if in case of success he might be confirmed in the command of the ship. He had been an experienced sea captain, and had a very good character. It is certain, an attempt with the ships was not then thought adviseable. A new battery, about this time, was erected upon the light-house point, which being well attended by lieutenant colonel Gridley of the artillery, did great execution upon the island battery, silenced many of the guns, and it was expected it would not be long tenable. Soon after, viz. June 10th, arrived before Louisbourg the Chester, a fifty-gun ship, in consequence of the dispatches from Mr. Shirley, with an account of the expedition: The Canterbury and Sunderland, two sixty-gun ships, failed with her and arrived the 12th. Here was now a fleet of eleven ships,* and it is said to have been determined the ships should make an attack by sea the 18th, while the army did the same by land. It is not certain that when the day should come some sufficient reason would not have been found for a further delay. Those who give the most favourable accounts of the siege say, "the west gate was entirely beat down, the wall adjoining very much battered, and a breach made, ten feet from the bottom, the circular battery of sixteen cannon and the principal one against ships almost ruined, the north-east battery of 17 cannon damaged, and the men drove from the guns, and the west flank of the king's bastion almost demolished." Others say, "the west gate was defaced, and the adjoining curtain with the flank of the king's bastion were much hurt, but no practicable breach." Whether a general storm was really intended upon the 18th or not, it seems the French expected it from the preparations on board the men-of-war, and did not incline to stand it, and on the 15th sent a flag of truce to the general desiring a cessation, that they might consider of articles to be proposed for a capitulation. Time was allowed for this purpose until the next morning, when such articles were offered as were rejected by the general

* The Superb, Princess Mary, Canterbury and Sunderland of sixty guns, the Chester of fifty, Launceston, Mermaid, Hector, Eltham and Lark of forty, with the French prize the Vigilant of sixty-four.

general and commodore, and others offered to the enemy in their stead, which they accepted of and hostages were exchanged, and the next day, the 17th, the city was delivered up.

Many of our men had taken colds and many fallen into dysenteries, so that fifteen hundred were taken off from duty at one time ; but the weather proving remarkably fine during the forty-nine days' siege, they generally recovered. The day after the surrender the rains began, and continued ten days incessantly, which must have been fatal to many, they having nothing better than the wet ground to lodge on, and their tents, in general, being insufficient to secure them against a single shower,* but in the city they found barracks to shelter them. Captain Bennet, in a schooner, was sent immediately to Boston, and arrived with the great news the 3d of July, about one in the morning. The bells of the town were ringing by break of day, and the day and night following were spent in rejoicing. The news flew through the continent. The colonies which declined any share in the expense and hazard were sensible they were greatly interested in the success. It was allowed every where, that if there had been no signal proof of bravery and courage in time of action, there having been only one sally from the town and a few skirmishes with French and Indians from the woods, in all which our men behaved well, yet here was the strongest evidence of a generous noble public spirit, which first induced to the undertaking, and of steadiness and firmness of mind in the prosecution of it, the labour, fatigue and other hardships of the siege being without parallel in all preceding American affairs. A shade was thrown over the imprudence at first charged upon the New Englanders. Considerate persons among themselves could not, however, avoid gratefully admiring the favour of Divine Providence in so great a number of remarkable incidents which contributed to this success. The best use to be made by posterity seems to be not to depend upon special interpositions of Providence because their

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ancestors

* All the ticklenburgh and small canvas in the Province was purchased by the committee of war, but for a great part of the tents they were forced to buy common oznabrigs.

ancestors have experienced them, but to avoid the like imminent dangers, and to weigh the probability and improbability of succeeding in the ordinary course of events.

The commodore was willing to carry away a full share of the glory of this action. It was made a question whether the keys of the town should be delivered to him, or to the general, and whether the sea or land forces should first enter. The officers of the army say they prevailed. The marines took possession of one or more of the batteries, and sometimes the commodore took the keys of the city gates. The command, however, until orders should arrive from England, was to be joint, and a dispute about precedence to be avoided as much as could be. The commodore dispatched Mr. Montague in the Mermaid to England with intelligence, and the general the day after sent the Shirley galley, captain Rouse. The Mermaid arrived first.

It was very happy that disputes arose to no height between the sea and land forces during the siege. This has often proved fatal. This expedition having been began and carried on under a commission from a provincial governor, seems to be distinguished from ordinary cases, and to leave less room for dispute. Whether the land or sea force had the greatest share in the acquisition may be judged from the relation of facts. Neither would have succeeded alone. The army, with infinite labour and fatigue to themselves, harassed and distressed the enemy, and with perseverance, a few weeks or days longer must have compelled a surrender. It is very doubtful whether the ships could have lain long enough before the walls to have carried the place by storm, or whether, notwithstanding the appearance of a design to do it, they would have thought it adviseable to attempt it; it is certain they prevented the arrival of the Vigilant, took away all hopes of further supply and succour, and it is very probable the fears of a storm might accelerate the capitulation.*

The

* From the following deposition of the commodore in the high court of admiralty, one would imagine the place had been taken by the ships alone.

“ Extracted from the registry of the high court of admiralty of England, 29th September, 1747.

“ *Notre dame de deliverance,* Upon the allegation given by Tyndall the 21st of March, 1745.

“ Sir

The loss by the enemy and sickness did not exceed one hundred and one men. The loss of the snow Prince of Orange, belonging to the Province, and supposed to be overset, was a heavy blow upon the town of Marblehead, the captain and most of the crew belonging to that town, and it is a rare thing for a Marblehead man to die without leaving a widow and a number of children surviving.

As it was a time of year to expect French vessels from all parts to Louisbourg, the French flag was kept flying to decoy them in. Two East India and one South Sea ship, supposed to be altogether of the value of 600,000 sterling, were taken by the squadron at the mouth of the harbour, into which they would undoubtedly have entered. The army at first supposed they had acquired a right to the island of Cape Breton and its dependencies, and, until they were undeceived by Mr. Shirley, were for dividing the territory among the officers and men. With greater colour they might have claimed a share with the men-of-war in these rich prizes. Some of the officers expected a claim would have been laid in, but means were found to divert it, nor was any part decreed to the vessels of war in the Province service, except a small sum to the brig Boston Packet, captain Fletcher, who being chased by the South Sea ship, led her directly under the command of the guns of one of the men-of-war. It seemed to be conceded, that, as this acquisition was made under the commission of the governor of Massachusetts, the exercise of government there appertained to him, until his majesty's pleasure should be known.

"Sir Peter Warren knight, vice-admiral of the white, aged forty years and upwards, a witness produced and sworn—

"To the first article of the said allegation deposes and says, that he the said deponent was appointed to command his Britannic majesty's fleet intended for the attack of the island of Cape-Breton, and in the year of our Lord one thousand seven hundred and forty-five proceeded on the said expedition in his majesty's ship Superbe from the leeward islands, then having with him and under his command his majesty's ships Mermaid and Launceston, and soon after his arrival at said island he was joined by his majesty's ships Prince's Mary, Canterbury, Chester and Sunderland, and that after the deponent's arrival at Cape-Breton, and before he was joined by his majesty's ships aforesaid, he took and seized a French ship of war called the Vigilant, and appointed her a ship in his majesty's service and pay, and then with the assistance of all his majesty's ships aforesaid, and others of his majesty's ships, he did subdue the whole island of Cape-Breton, and further to the said article he knows not to depose."

There was no claim made, for the army, to this or the other captures, which is the only reason I can think of for omitting any mention of the land forces.

known. I know of no precedent in the colonies, except that of the conquest of Nova Scotia in 1690. It was necessary then to admit this principle, the acquisition could not otherwise have been retained. Mr. Shirley made a voyage to Louisbourg, took the government upon him, prevailed upon a great part of the army to consent to remain in garrison over the winter, or until regiments which were expected arrived, engaged that their pay should be increased and clothing provided, and settled other matters to general satisfaction.*

Duvivier had been sent to France the winter of 1744, to solicit a force, not to defend Cape Breton, but to conquer Nova Scotia, and accordingly sailed the beginning of July, with seven ships of war for that purpose, who were to stop at Louisbourg. This fleet took a prize bound from Boston to London, on board which was lieutenant governor Clark of New York, and by this means they were informed of the conquest of Louisbourg, and the strong squadron there, otherwise some or all of them would also have probably fallen into the hands of the English. Upon this intelligence they went back to France. Thus Nova Scotia no doubt was saved by the Massachusetts expedition. There would not have been men-of-war in these seas sufficient to match this squadron.

The reduction of Louisbourg by a British colony, must have been a surprise to Great Britain and to France. It caused very grand plans of American measures for the next year with both powers. Great Britain had in view the reduction of Canada and the extirpation of the French from the northern continent. France intended the recovery of Louisbourg, the conquest of Nova Scotia, and the destruction of the English sea coast from Nova Scotia to Georgia. Upon the English plan, eight battalions of regular troops, with the provincial forces to be raised in the four New England governments, were to rendezvous at Louisbourg, and, with a squadron under admiral Warren, were to go up the river St. Lawrence to Quebec; other provincials from Virginia and the colonies northward,

* Pennsylvania contributed 4000l. New York 3000l. and New Jersey, I think, 2000. some in money, others in provisions, for support of the troops.

ward, including New York, were to rendezvous at Albany, and go across the country to Montreal; the land forces to be under general St. Clair. No Province had a certain number assigned, it was expected there should be at least five thousand* in the whole. The Massachusetts forces were ready to embark by the middle of July, about six weeks from the first notice. The preparations making at Brest for America, were well known in England, and a squadron was ordered to block up that harbour. Notwithstanding all the caution used, the Brest squadron slipped out, and failed to the westward, and it is certain no English squadron followed. Whilst we were impatiently waiting for news of the arrival of the fleet at Louisbourg, a fisherman comes in, some time in August, with an account of his being brought to by four French capital ships not far from Chibucto; that he was required to pilot them there; that as he lay under the stern of one of them he read the word *le Terrible*, but a fog suddenly rising, he made his escape. After that some days had passed without any further account, the fisherman's news was generally discredited. It appeared some months after, that these were four ships under M. Conflans, who had escaped† an English squadron from Jamaica, and were bound to Chibucto in order to join the Brest fleet; but after cruising some time, and meeting with storms and fogs, upon a coast they were unacquainted with, they returned to France.

The beginning of September, vessels arrived at Boston from Hull and Liverpool, with advice that the Brest fleet had sailed, and it was supposed for North America, and from the middle to the latter end of the month frequent accounts were brought of a great fleet seen to the westward of Newfoundland, which we flattered ourselves might be English as likely as French; but on the 28th, an express arrived from Louisbourg with certain advice these ships were the French fleet, which it was affirmed consisted

of

* The colonies voted to raise men in very unequal proportions. New Hampshire 500. Massachusetts 3500. Rhode Island 300. Connecticut 1000. New York 1600. New Jersey 500. Maryland 300. Virginia 100. Pennsylvania raised 400, though not by an act of government. The whole number 8200.

† Some say the English escaped from them.

of seventy sail, fourteen of which were capital ships, and that there were twenty smaller men-of-war, and the rest fire-ships, bombs, tenders and transports for eight thousand troops. The same day a vessel from Jamaica arrived with advice that the four men-of-war who had engaged with commodore Mitchell, were intended to join the fleet, and it was now no longer doubted that these were the ships seen by the fishermen, and it was supposed soon after got into Chibucto. England was not more alarmed with the Spanish armada in 1588, than Boston and the other North American sea ports were with the arrival of this fleet in their neighbourhood. The firmest mind will bend upon the first advice of imminent danger to its country. Even the great De Witt swooned when he first opened a letter giving intelligence of England's confederating with France to enslave the Dutch, though the next moment he recovered his natural courage and vivacity.

Every practicable measure for defence was immediately pursued by the authority of the Massachusetts Province, but our main dependence, under God, was upon a squadron from England sufficient, in conjunction with the ships then at Louisburgh, to overcome the French. It was impossible the ministry should be ignorant of the sailing of this fleet, and unless they were willing the colonies should be exposed to the ravages of the enemy, it was impossible an English squadron should not be soon after them.* This was the general voice. But this dependence failed. However, as the probability of the arrival of our squadron was from day to day lessened, our apprehensions of danger from the enemy lessened in some proportion. At length, we had such authentic account of the distresses of the French, that it was not only agreed that admiral Townfend's ships at Louisbourg were more

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* It was said admiral Lestock put out no less than seven times, but could not get to the westward. Others supposed that an apprehension of French finesse, pretending an expedition to America when an invasion of Britain was really intended, occasioned orders for the detention of Lestock's fleet until it was thought too late to prevent the mischief, and the ships were then employed in an unsuccessful descent upon France. The indifference of the people in England in general upon this occasion was wondered at by the colonists. Letters from merchants, who had debts due in the colonies equal to their whole fortunes, and which they must have wholly lost if the French plan had been executed, spake of the sailing of this fleet as an ordinary piece of news, which would be followed with no remarkable consequences.

than a match for them, and we were every day expecting to hear they had sailed for Chibucto, but if that should prove otherwise, the utmost they would be able to effect by their grand plan would be the conquest of Annapolis and the whole Province of Nova Scotia. If the winter did not prevent a farther progress, we flattered ourselves their strength was not sufficient for an attempt upon Boston.

The misfortunes of this grand armament are really very remarkable. The loss of Cape Breton filled the French with a spirit of revenge against the British colonies. The duke d'Anville, a French nobleman in whose courage and conduct great confidence was placed, was appointed to the command of the expedition. As early as the beginning of May, the fleet was ready to sail, but detained by contrary winds until the 22d of June, when it left Rochelle, and then consisted of eleven ships of the line, thirty smaller vessels from ten to thirty guns, and transport ships with three thousand one hundred and thirty land forces, commanded by monsieur Pommerit, a brigadier general. The French of Nova Scotia, it was expected, would join them, and Ramsay, a French officer, with seventeen hundred Canadians and Indians, were actually in arms there ready for their arrival. To this force Conflans with the four ships from the West Indies were to be added. It was the 3d of August before the fleet had passed the Western Islands. The 24th they were three hundred leagues distant from Nova Scotia, and one of their ships complained so much, that they burnt her. The 1st of September, in a violent storm, the Mars, a sixty-four gun ship, was so damaged in her masts and so leaky that she bore away for the West Indies,* and the Alcide, of sixty-four guns, which had also lost her top-mast, was sent to accompany her. The 15th, the Ardent, of sixty-four guns, most of her crew being sick, put back for Brest.

The duke d'Anville, in the Northumberland, arrived at Chibucto the 12th of September, with only one ship of the line, the Renommee and three or four of the transports.

* She went back for France, and was taken in October by the Nottingham, captain Saumarez, off Cape Clear.

ports. There he found only one of the fleet, which had been in three days, and after waiting three days, and finding that only three more, and those transports, had arrived, the 16th in the morning he died, the French said of an apoplexy, the English that he poisoned himself. In the afternoon the vice admiral, d'Estournelle, with three or four more of the line, came in. Mons. de la Jonquiere, governor of Canada, was aboard the Northumberland, and had been declared a chef d'escadre, after the fleet left France, and by this means was next in command to the vice admiral. In a council of war, the 18th, the vice admiral proposed returning to France. Four of the capital ships, the Ardent, Caribou, Mars and Alcide, and the Argonaute fire-ship, they were deprived of; there was no news of Conflans and his ships, so that only seven* ships of importance remained; more or less of the land forces were on board each of the missing ships, and what remained were in a very sickly condition. This motion was opposed for seven or eight hours by Jonquiere and others of the council, who supposed that, at least, they were in a condition to recover Annapolis and Nova Scotia, after which they might either winter securely at Casco-Bay, or at worst, then return to France: The sick men, by the constant supply of fresh provisions from the Acadians, were daily recovering, and would soon be fit for service. The motion not prevailing, the vice admiral's spirits were agitated to such a degree as to throw him into a fever attended with a delirium, in which he imagined himself among the English, and ran himself through the body. Jonquiere succeeded, who was a man experienced in war, and although above sixty, still more active than either of his predecessors, and the expectations of the fleet and army were much raised. From this time Annapolis seems to have been their chief object. An account, supposed to be authentic, having been received at Boston of the sailing of admiral Lestock, Mr. Shirley sent an express to Louisbourg to carry the intelligence. The packet boat was taken and carried into Chibucto,† which accelerated

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* Some make the number eight, and the *Perfait* to be one of them, and burnt there; but in the French list the *Perfait* is a fire-ship, and the *Caribou* is said to have been burnt.

† October 11.

the sailing of the fleet. Most of the sick had died at Chibucto, and but about one half their number remained alive. They sailed the 13th of October, and the 15th, being near Cape Sables, they met with a violent cold storm, which, after some intermission, increased the 16th, and 17th, and separated the fleet, two of which only, a fifty and a thirty-six gun ship, were discovered from the fort at Annapolis, where the Chester man-of-war, captain Spry, then lay with the Shirley frigate, and a small vessel in the service of the board of ordnance, who being discovered by the French to be under sail, they made off, and this was the last of the expedition. The news of the beginning of the misfortunes of the French having reached France by some of the returned vessels, two men-of-war were sent immediately with orders, at all events, to take Annapolis; but the fleet had sailed three or four days before they arrived.

Pious men saw the immediate hand of Divine Providence in the protection or rather rescue of the British colonies this year, as they had done in the miraculous success of the Cape-Breton expedition the former year.

When the summer had so far passed as to render it too late to prosecute the expedition against Canada, if the fleet had arrived, Mr. Shirley's enterprising genius led him to project an attempt upon the French fort at Crown-point, with part of the Massachusetts forces in conjunction with those of the other colonies; but the alarm of the French fleet prevented until it was judged, by some concerned, to be too late. Fifteen hundred of the Massachusetts men were intended for Nova Scotia upon the news of Ramsay's appearing there, and four hundred actually went there, convoyed by the Chester, and late in the fall an additional number were sent thither. Those posted at Minas were surprised, the first day of January, by a body of French and Indians commanded by Le Corne, a French officer, and after having one hundred and sixty of their number killed, wounded, and taken prisoners, the rest capitulated, engaging not to bear arms against the French in Nova Scotia for the term of one year. De Ramsay with his troops soon after returned to Canada.*

* Thomas Cushing, esquire, speaker of the house, died April 11, 1746, universally lamented.

The troops raised for the Canada expedition continued in pay until September the next year, 1747. Some of them served for the defence of the frontiers, the rest were inactive. The inactive prosecution of the war in Europe on both sides indicated peace to be near, which the next year was effected.

War had been declared in 1744 against the Cape Sable and St. John's Indians, and in 1745 against the Penobscots and Norridgewocks. The frontiers did not escape molestation. They suffered less than in any former wars. The Indians were lessened in number, and having withdrawn to the French frontiers, were sometimes detained for their defence upon an apprehended invasion, and at other times engaged to be in readiness to join in the great designs against the English.*

In 1747 (Nov. 17th) happened a tumult in the town of Boston, equal to any which had preceded it, although far short of some which have happened since. Mr. Knowles was commodore of a number of men-of-war then in the harbour of Nantasket. Some of the sailors had deserted. Deserters generally flee to some of the neighbouring ports, where they are out of danger of discovery. The commodore thought it reasonable that Boston should supply him with

* The peace with the Indians was not settled until October, 1749, when a treaty was held at Falmouth by commissioners, Thomas Hutchinson, John Choate, Israel Williams and James Otis of Massachusetts, and Theodore Atkinson and John Downing of New Hampshire, when the last treaty in Mr. Dummer's time, with some additions, was renewed.

June 19th, 1748, John Stoddard, esquire, of Northampton, and at that time a member of the house of representatives, died at Boston. He had been several years member of the council, but being in favour of the prerogative, generally met with great opposition, and having been divers times left out, he at length declined being any longer the subject of contention, and chose a seat in the house, his town thinking it a favour that he would represent them. There have been but few men among us who have been more generally esteemed. His enemies would charge him with unconstitutional principles, but at the same time allow he had an upright heart. He shined only in affairs of importance; lesser matters would frequently be carried against his mind by the little arts and crafts of minute politicians, which he disdained to defeat by counter-working. He was very early employed in public affairs. In 1713 he went as a commissary to Quebec for the redemption of captives, and the several governors to the time of his death entrusted to his direction the military affairs of the county of Hampshire, which in time of war was peculiarly exposed. Nor was his authority less in civil matters. Both military and civil authority he used with great discretion. In this latter, in one instance, he rather exceeded, extending it to the ecclesiastical affairs of the town of Springfield farther than he could well justify. Our best men have sometimes exceeded in their zeal for particular systems, and have endeavoured to promote religion by invading natural and civil rights.

with as many men as he had lost, and sent his boats up to town early in the morning, and surprised not only as many seamen as could be found on board any of the ships, outward bound as well as others, but swept the wharves also, taking some ship-carpenters' apprentices and labouring land-men. However tolerable such a surprise might have been in London, it could not be borne here. The people had not been used to it, and men of all orders resented it; but the lower-class were beyond measure enraged, and soon assembled with sticks, clubs, pitchmops, &c. They first seized an innocent lieutenant, who happened to be ashore upon other business. They had then formed no scheme, and the speaker* of the house passing by, and assuring them that he knew that the lieutenant had no hand in the press, they suffered him to be led off to a place of safety. The mob increasing, and having received intelligence that several of the commanders were at the governor's house, it was agreed to go and demand satisfaction. The house was soon surrounded, and the court or yard before the house, filled; but many persons of discretion inserted themselves, and prevailed so far as to prevent the mob from entering. Several of the officers had planted themselves at the head of the stair-way with loaded carbines, and seemed determined to preserve their liberty or lose their lives. A deputy sheriff attempting to exercise his authority, was seized by the mob and carried away in triumph and set in the stocks, which afforded them diversion, and tended to abate their rage, and disposed them to separate and go to dinner.

As soon as it was dusk, several thousand people assembled in king's-street, below the town-house, where the general court was sitting. Stones and brickbats were thrown through the glass into the council chamber. The governor, however, with several gentlemen of the council and house, ventured into the balcony, and after silence was obtained, the governor in a well-judged speech expressed his great disapprobation of the impress, and promised his utmost endeavours to obtain the discharge of every one of the inhabitants, and at the same time gently reproved the irregular proceedings both of the forenoon and evening.

evening. Other gentlemen also attempted to persuade the people to disperse, and wait to see what steps the general court would take. All was to no purpose. The seizure and restraint of the commanders and other officers who were in town, was insisted upon as the only effectual method to procure the release of the inhabitants aboard the ships.

It was thought adviseable for the governor to withdraw to his house, many of the officers of the militia and other gentlemen attending him. A report was raised, that a barge from one of the ships was come to a wharf in the town. The mob flew to seize it, but by mistake took a boat belonging to a Scotch ship, and dragged it, with as much seeming ease through the streets as if it had been in the water, to the governor's house, and prepared to burn it before the house ; but from a consideration of the danger of setting the town on fire, were diverted, and the boat was burnt in a place of less hazard. The next day the governor ordered that the military officers of Boston should cause their companies to be mustered, and to appear in arms, and that a military watch should be kept the succeeding night ; but the drummers were interrupted, and the militia refused to appear. The governor did not think it for his honour to remain in town another night, and privately withdrew to the Castle. A number of gentlemen who had some intimation of his design, sent a message to him by colonel Hutchinson, assuring him they would stand by him in maintaining the authority of government and restoring peace and order, but he did not think this sufficient.

The governor wrote to Mr. Knowles, representing the confusions occasioned by this extravagant act of his officers ; but he refused all terms of accommodation until the commanders and other officers on shore were suffered to go on board their ships, and he threatened to bring up his ships and bombard the town, and some of them coming to fail, caused different conjectures of his real intention. Captain Erskine, of the Canterbury, had been seized at the house of colonel Brinley in Roxbury, and given his parole not to go abroad, and divers inferior officers had been secured.

The

The 17th, 18th and part of the 19th, the council and house of representatives, sitting in the town, went on with their ordinary business, not willing to interpose lest they should encourage other commanders of the navy to future acts of the like nature; but towards noon of the 19th, some of the principal members of the house began to think more seriously of the dangerous consequence of leaving the governor without support, when there was not the least ground of exception to his conduct. Some high spirits in the town began to question whether his retiring should be deemed a desertion or abdication. It was moved to appoint a committee of the two houses to consider what was proper to be done. This would take time, and was excepted to, and the speaker was desired to draw up such resolves as it was thought necessary the house should immediately agree to, and they were passed by a considerable majority, and made public.

“In the house of representatives, Nov. 19th, 1747.

“Resolved—that there has been and still continues, a tumultuous riotous assembling of armed seamen, servants, negroes and others in the town of Boston, tending to the destruction of all government and order.

“Resolved—that it is incumbent on the civil and military officers in the Province to exert themselves to the utmost, to discourage and suppress all such tumultuous riotous proceedings whensoever they may happen.

“Resolved—that this house will stand by and support with their lives and estates his excellency the governor and the executive part of the government in all endeavours for this purpose.

“Resolved—that this house will exert themselves by all ways and means possible in redressing such grievances as his majesty’s subjects are and have been under, which may have been the cause of the aforesaid tumultuous disorderly assembling together.

T. Hutchinson, Speaker.”

The council passed a vote, ordering that captain Erskine and all other officers belonging to his majesty’s ships should be forthwith set at liberty and protected by the government, which was concurred by the house. As soon as these

these votes were known, the tumultuous spirit began to subside. The inhabitants of the town of Boston assembled in town meeting in the afternoon, having been notified to consider, in general, what was proper for them to do upon this occasion, and notwithstanding it was urged by many that all measures to suppress the present spirit in the people would tend to encourage the like oppressive acts for the future; yet the contrary party prevailed, and the town, although they expressed their sense of the great insult and injury by the impress, condemned the tumultuous riotous acts of such as had insulted the governor and the other branches of the legislature and committed many other heinous offences.

The governor, not expecting so favourable a turn, had wrote to the secretary to prepare orders for the colonels of the regiments of Cambridge, Roxbury and Milton, and the regiment of horse, to have their officers and men ready to march at an hour's warning; to such place of rendezvous as he should direct; but the next day there was an uncommon appearance of the militia of the town of Boston, many persons taking their muskets who never carried one upon any other occasion, and the governor was conducted to his house with as great parade as when he first assumed the government.

The commodore* dismissed most, if not all, of the inhabitants who had been impressed, and the squadron sailed to the joy of the rest of the town.

By the expedition to Louisbourg, the preparations for the reduction of Canada, and the several supplies of men for Nova Scotia, the Province had issued an immense sum in bills of credit, between two and three millions, according to their denomination in the currency. The greatest part of this sum had been issued when between five and six hundred pounds was equal to one hundred pounds sterling, and perhaps the real consideration the government received from the inhabitants who gave credit to them was near four hundred thousand pounds sterling; but by thus multiplying the bills they had so much depreciated, that, at the end of the war, eleven or twelve hundred

[* Mr. Knowles was afterwards an admiral in the British navy, and in 1770, being invited by the empress of Russia, went into her service.]

hundred pounds were not equal to more than an hundred pounds sterling ; and the whole debt of the Province did not much exceed two hundred thousand pounds sterling. Thus the people had paid two hundred thousand pounds sterling in two or three years, besides a large sum raised by taxes each year, as much as it was supposed the people were able to pay ; but to pay by the depreciation of the bills, although infinitely unequal, yet, as they were shifting hands every day, it was almost insensible, a possessor of a large sum for a few days not perceiving the difference in their value between the time when he received them and the time when he parted with them. The apprehension of their depreciation tended to increase it, and occasioned a quick circulation, and for some time, even for English goods, which ordinarily sell for the longest credit, nobody pretended to ask credit. They were constantly, however, dying in some body's hand, though nobody kept them long by them. Business was brisk ; men in trade increased their figures, but were sinking the real value of their stock ; and, what is worse, by endeavours to shift the loss attending such a pernicious currency from one to another, fraudulent dispositions and habits are acquired, and the morals of the people depreciate with the currency.

The government was soliciting for the reimbursement of the charge in taking and securing Cape Breton, and by the address, assiduity and fidelity of William Bollan, esquire, who was one of the agents of the Province for that purpose, there was a hopeful prospect that the full sum, about 180,000l. sterling, would be obtained.

Some of the ministry thought it sufficient to grant such sum as would redeem the bills issued for the expedition, &c. at their depreciated value, and Mr. Kilby, the other agent, seemed to despair of obtaining more ; but Mr. Bollan, who had an intimate knowledge of our public affairs, set the injustice of this proposal in a clear light, and made it evident that the depreciation of the bills was as effectually a charge borne by the people as if the same proportion of bills had been drawn in by taxes, and refused all proposals of accommodation, insisting upon the full value of the bills when issued. He certainly has great merit for this and other services.

Mr.

Mr. Hutchinson, who was then speaker of the house of representatives, imagined this to be a most favourable opportunity for abolishing bills of credit, the source of so much iniquity, and for establishing a stable currency of silver and gold for the future. About two million two hundred thousand pounds would be outstanding in bills in the year 1749. One hundred and eighty thousand pounds sterling, at eleven for one, which was the lowest rate of exchange with London for a year or two before, and perhaps the difference was really twelve for one, would redeem nineteen hundred and eighty thousand pounds, which would leave but two hundred and twenty thousand pounds outstanding; it was therefore proposed that the sum granted by parliament should be shipped to the Province in Spanish milled dollars, and applied for the redemption of the bills as far as it would serve for that purpose, and that the remainder of the bills should be drawn in by a tax on the year 1749. This would finish the bills. For the future, silver of sterling alloy at 6s. 8d. the ounce, if payment should be made in bullion; or otherwise, milled dollars at 6s. each, should be the lawful money of the Province, and no person should receive or pay within the Province, bills of credit of any of the other governments of New England. This proposal being made to the governor, he approved of it, as founded in justice and tending to promote the real interest of the Province; but he knew the attachment of the people to paper money and supposed it impracticable. The speaker, however, laid the proposal before the house, where it was received with a smile, and generally thought to be an Utopian project, and, rather out of deference to the speaker than from an apprehension of any effect, the house appointed a committee to consider of it. The committee treated it in the same manner, but reported that the speaker should be desired to bring in a bill for the consideration of the house. When this came to be known abroad, exceptions were taken, and a clamour was raised from every quarter. The major part of the people, in number, were no sufferers by a depreciating currency; the number of debtors is always more than the number

of creditors; and although debts on specialties had allowance made in judgments of court for depreciation of the bills, yet on simple contracts, of which there were ten to one specialty, no allowance was made. Those who were for a fixed currency were divided. Some supposed the bills might be reduced to so small a quantity as to be fixed and stable, and therefore were for redeeming as many by bills of exchange as should be thought superfluous; others were for putting an end to the bills, but in a gradual way, otherwise it was said a *fatal shock* would be given to trade. This last was the objection of many men of good sense. Douglass, who had wrote well upon the paper currency, and had been the oracle of the anti-paper party, was among them, and, as his manner was with all who differed from him, discovered as much rancour against the author and promoters of this new project as he had done against the fraudulent contrivers of paper money emissions.

The bills, it was said, had sunk gradually in their value from 6s. $10\frac{1}{2}$ d. to 6s. the ounce; by this means creditors had been defrauded; it was but reasonable they should rise gradually, that justice might be done. But the creditors and debtors would not be the same in one instance in a thousand, and where this was not the case, the injury was the same, to oblige any one to pay more as to receive less than was justly due. Others were for exchanging the bills at a lower rate than the then current price of silver. The inhabitants had given credit to the government, when silver was at 30s. the ounce, and ought to be paid accordingly. Two of the representatives of Boston urged their being exchanged at 30s. which would have given a most unreasonable profit to the present possessor who had taken them at 5s or 6s. To draw over some of this party, concessions were made and the bills were exchanged at 5s. the ounce, instead of 5s, as was at first proposed.

Some of the directors and principal promoters of the land bank scheme,* being at this time members of the general court, unexpectedly joined with the party who were for finishing paper money, but the opposition was so

great, that after many weeks spent in debating and settling the several parts of the bill, and a whole day's debate at last in a committee of the whole house upon the expediency of passing the bill, as thus settled, it was rejected, and the report of the committee accepted.

The house, although upon some occasions exceptions are taken to motions and proceedings which come before them as not being in parliamentary form, yet are not strict in conforming to some of the most useful rules of parliament. A bill or motion is not only referred from one session to another, but a bill, after rejecting upon a second or third reading, is sometimes taken up and passed suddenly the same session. They have an order of the house, that when any affair has been considered, it shall not be brought before the house again the same session, unless there be as full a house as when it was passed upon. This, if observed, would still be liable to inconvenience, as any designing person might take an opportunity upon a change of faces, the number being as great as before, suddenly to carry any point; but even this rule, like many other of what are called standing orders, is too frequently by votes, on particular occasions, dispensed with, which lessens the dignity of the house.

It seems to be of no consequence to the prerogative whether the currency of a colony be silver or paper, but the royal instructions from time to time for preventing a depreciating currency, caused merely by a gracious regard to the interest of the people, had generally engaged what was called the country party in opposition to them, and in favour of paper. It was the case at this time. However, the next morning, two of the members of the house,* zealous adherers to this party, and who had been strong opposers of the bill, came early to the house to wait the coming of the speaker, and in the lobby let him know, that although they were not satisfied with several parts of the bill, yet they were alarmed with the danger to the Province from the schemes of those persons who were for a gradual reduction of the bills, and by that means for raising the value of the currency without any

provision.

* Joseph Livermore, the representative of Weston, and Samuel Witt, representative of Marlborough.

provision for the relief of debtors, and therefore they had changed their minds, and if the bill could be brought forward again, they would give their voice for it, and others who had opposed it would do the same. The speaker, who had looked upon any further attempt to be to no purpose, acquainted them that he did not think it proper to desire any of the favourers of the bill to move for a re-consideration of it, inasmuch as it had been understood and agreed in the house the day before; that if upon a full debate had, the bill should be rejected, no further motion should be made about it. As soon as the house met, upon a motion by one of these members, seconded by the other, the bill was again brought under consideration, and passed the house as it afterwards did the council, and had the governor's consent.

The provision made by this act for the exchange of the bills and for establishing a silver currency was altogether conditional, and depended upon a grant of parliament for reimbursement of the charge of the Cape Breton expedition. This being at a distance, and not absolutely certain, the act had no sudden effect upon the minds of the people; but when the news of the grant arrived, the discontent appeared more visible, and upon the arrival of the money there were some beginnings of tumults, and the authors and promoters of the measure were threatened. The government passed an act with a severe penalty against riots, and appeared determined to carry the other act for exchanging the bills into execution. The apprehension of a *shock* to trade proved groundless; the bills being dispersed through every part of the Province, the silver took place instead of them, a good currency was insensibly substituted in the room of a bad one, and every branch of business was carried on to greater advantage than before. The other governments, especially Connecticut and Rhode Island, who refused, upon being invited, to conform their currency to Massachusetts, felt a *shock* in their trade which they have not yet recovered. The latter had been the importers, for Massachusetts, of West India goods for many years, which ceased at once. New Hampshire, after some years, revived its business,

and increased their trade in English goods, which formerly they had been supplied with from Massachusetts. Perhaps they have rather exceeded.

We shall finish this second part of our history with a few remarks upon the trade of the Province at this day, compared with its trade in 1692.

The other governments of New England, sixty or seventy years ago, imported no English goods, or next to none, directly from England; they were supplied by the Massachusetts trader. Now, although our trade with Great Britain, upon the whole, is supposed to cause no addition to our wealth, yet, at least so far as we are the channel for conveying supplies of goods to the other colonies for their consumption, a benefit undoubtedly accrues. New Hampshire, by their convenient situation, were induced to become their own importers in a great measure some years before the alteration of our currency. They made their returns by shipping lumber, &c. easier than we did. At present, they probably import English goods equal to their consumption. Connecticut, until we abolished our bills of credit and theirs with them, continued their trade with us for English goods, but soon after turned great part of their trade to New York, and some persons became importers from England. They soon discovered their error. The produce of New York is so much the same with that of Connecticut, that the Massachusetts market will always be the best. The importer finds it more difficult to make his returns to England from Connecticut than from Massachusetts. Connecticut trade therefore soon returned to the state it had formerly been in.

Rhode Island, in part, became their own importers also, which they still continue.

For the other colonies on the continent. Between South Carolina and Massachusetts, there never has been any considerable trade. The chief benefit from that colony has been the affording freights for our ships in the European trade.

North Carolina, Virginia, Maryland, the Jerseys and Pennsylvania, until within twenty or thirty years, used to furnish

furnish us with provisions, for which we paid them in West India and sometimes English goods, and with our own produce and manufactures. Philadelphia of late is become the mart for the grain of great part of Maryland, which they manufacture into flour and supply Massachusetts, Rhode Island and New Hampshire, and take little or no pay in return but money and bills of exchange. It seems agreed, that the southern colonies as far as Virginia are designed by nature for grain countries. It behoves us, therefore, either like the Dutch for the other nations in Europe, to become carriers for them with our shipping, or to contrive some articles of produce or manufacture for barter or exchange with them, rather than in vain to attempt raising to more advantage than they do, what nature has peculiarly formed them for.

Our trade with the West India islands was much more profitable to us, from the beginning of king William's to the end of queen Anne's war with France, than at any time since. Ever since the peace of Utrecht it has been continually growing worse. Barbadoes required, then, more northern produce than it does now. The other islands, except Jamaica, have very little increased their demand. From the growth of the northern colonies and the new methods of living, the produce of the islands is more than double the price it used to be. Perhaps tea and coffee alone cause as great consumption of sugar, as all other uses to which it was applied did formerly. The produce of the northern colonies is as low in the islands as ever it was. Formerly their demand for northern produce not only afforded us in return, rum, sugar and molasses sufficient for our own consumption, but left a surplus which, in war time especially, every year gave freight to ships from Boston to England, and paid our debts there or procured a supply of goods from thence; whereas at this day the whole supply of northern produce to the British islands will not pay for one half the West India goods consumed or used in the northern colonies. The trade to the Dutch colonies, it is true, is since increased, and our goods from time to time find their way into the French islands; sometimes through the Dutch, at other times,

times, when French necessity calls for them, by permission or other contrivances, and by this means we are able to procure the West India goods we want for our consumption over and above what we can obtain in pay for our produce from our own islands. Britain herself suffers, with her northern colonies, and pays dearly by the advanced price of sugar, rum, &c. The West Indians, notwithstanding, are continually endeavouring to restrain our trade with the foreign islands and colonies. If they could take of our produce as much as we have occasion for of theirs, it would appear less unreasonable ; or if, by our trade with the foreign colonies, the price of the produce of our own islands had fallen below the former rates, they might have colour for complaint ; but when the vent for northern produce by means of the great increase of the northern colonies, bears no proportion, from any one of them, to what it did formerly, and yet the produce of the islands is double the price it was formerly, and their estates raised to more than five times the value, it must be unreasonable to burden not only the inhabitants of the northern colonies, but of Great Britain also, with a still further advanced price of West India goods, and all to aggrandize the West India planters. Such a burden would infallibly be the effect of a rigid execution of the laws restraining or encumbering our trade with the French and Dutch colonies. But this is not all. If our trade with the foreign colonies be suppressed, and our supplies of West India goods are confined to our own islands, the balance above what they require of our produce, must be paid them in silver and gold or exchange upon England, either of which must lessen our returns to England, and will probably lessen our consumption of their manufactures. Charlevoix says, the French of Canada live well if they can get fine clothes : if not, they retrench from the table to adorn the person. I think the English colonists would rather abate from their dress than from their punch, tea, coffee, &c.

If the question be, which is most for the interest of the British dominions in general, to restrain the French American trade or to give it all possible encouragement, it must be

be given in favour of encouragement. The speedy settlement of this vast continent is generally supposed to be advantageous to Great Britain. Every new house, new farm and new subject adds to the consumption of British manufactures. Nothing more contributes to this speedy settlement than a vent for the lumber, a great help in clearing the lands near the sea and upon navigable rivers, and for provisions the produce of settlements when made. But, on the other hand, admit that raising the price of West India produce tends to increase the number of plantations in the islands, yet those plantations, although more valuable, will never bear any proportion in number to the plantations and settlements upon the continent, and the increase of white subjects will be still less in proportion. Blacks eat and drink nothing and wear next to nothing of British manufacture.

There has been a great alteration in our trade with Great Britain. At the beginning of this period and until within thirty or forty years past, merchants and manufacturers in England shipped goods upon their own accounts, which were sold here upon commission; and although there was appearance of profit from the sales, yet by the loss upon returns, most adventurers in a course of years were great losers. Discerning persons in London, when they saw a man going deep into trade to the colonies, would pronounce him short-lived.

The trade is now upon a more certain footing for the people of England. Few goods are sent to be sold upon commission. The manufacturer depends upon the merchant in England for his pay. The merchant receives his commission, and generally agrees with his correspondent, for whom he is in advance, in the colonies, that after six or nine months' credit, if payment be not made, interest shall be allowed. Bad debts must be expected more or less in all extensive trade. Perhaps they are not more frequent in the colonies than among the like number of traders in England.

The cod and whale fishery are in a more flourishing state than formerly. The vessels employed in cod fishing have been more numerous, but they were small shallops, and

and one of the schooners now employed in that fishery takes as much fish in a season as two shallops used to do.*

The French are supposed to maintain a fisherman at less expense than the English. Be it so, the English catch and make their fish at less expense than the French, notwithstanding. Five or six well-fed Marblehead or Cape Ann men, catch as much fish as ten or twelve meagre Frenchmen in the same time. The French find their account in taking what they call their mud or mud fish when the English cannot. This is owing to the vent which the French markets afford for that sort of fish. In what they call a sedentaire, and we a shore fishery, we shall always outdo them, unless the ports of the other nations in Europe, as well as those of the French, should be shut against us. If every family in Britain should make one dinner in a week upon New England cod fish, it would cause an amazing increase of the consumption of British manufactures.

It is certain, that before the war of 1744 the French fishery declined. They used to go from Louisbourg to Canfo and buy the English fish for the French European markets, because it came cheaper to them than they could catch and make it.

The increase of the consumption of oil by lamps as well as by divers manufactures in Europe has been no small encouragement to our whale fishery. The flourishing state of the island of Nantucket must be attributed to it. The cod and whale fishery, being the principal source of our returns to Great Britain, are therefore worthy not only of provincial but national attention.

Formerly the trade to Newfoundland was valuable. The increase of the northern colonies has carried from us great part of the supplies we used to make. Our late-began commerce with Noya Scotia is valuable, but will not compensate for this loss.

The manufacture of pot-ash promises great benefit to the colonies. It is to be wished they may meet with no discouragement. Frauds in package and adulteration

cannot

* The fashion of the rigging and sails of a schooner is challenged as a New England invention, the first is said to have been built at Cape Ann, about the year 1714, by captain Andrew Robinson.

cannot be of any long continuance. The least that can be done by every government where it is manufactured, is a law to compel every person to set his name, and the name of the town where he lives, upon the cask in which he packs his pot-ash. This will go a great way towards preventing fraud. Should the Russian traders combine to under-sell those who import from America, yet it will be considered that the Russian trade is drawing every year from the nation a large balance in bullion, whereas the increase of imports from the colonies only tends to an increase of national exports, and the body of the nation will combine against the Russian traders.

I remember one advantage from paper money. Upon the depreciation, from time to time, the wages of seamen, and the rate at which coasting vessels and others were hired, did not immediately rise in proportion to the rise of silver and exchange with London and other parts of the world. We were thus led to employ our vessels as carriers to and from many parts of the continent, the West Indies and Europe, because we let them upon cheaper freight and hire than any other colony would do. The war in 1744 gave a turn to this part of business; but we may learn from what happened then, without any premeditated plan or design, what we are capable of, viz. navigating our vessels, especially if further improvements be made in the construction of them, with so little expense as, like the Dutch in Europe, to become carriers for America. The advantage, in this particular instance, of the reduction of the price of labour, shews us what improvements might be made in other branches of trade and manufacture, if ever it should be reduced in proportion to the price in Europe, compared with the price of the necessaries of life.

It was hard parting with a free open trade to all parts of the world, which Massachusetts carried on before the present charter. The principal acts of parliament were made many years before, but there was no custom-house established in the colony, nor any authority anxious for carrying those acts into execution. It was several years after the new charter before they were generally observed.

ed. If we are under no other obligations, we certainly enjoy and cannot subsist without the protection of our mother country over our trade at sea, our personal estate ashore, the territory itself, our liberties and lives. It is owing, in a great measure, to the taxes, duties and excises, the consequences of an enormous load of debt, that the manufactures of England come dearer to us than those of other countries. Great part of this debt was incurred by our immediate protection. Shall we think much of sharing in the burden when we have been so great sharers in the benefit? There is no way in which we can more effectually contribute to the national relief than by submitting to regulations and restraints upon our trade, and yet no way in which we should be so little sensible of it.

It has been the general voice, that our trade to Great Britain should be contracted, and that our inhabitants should be employed in the same kind of manufactures we import from thence, the materials for most of which we have or may have within ourselves.

The great Creator of the universe in infinite wisdom has so formed the earth, that different parts of it, from the soil, climate, &c. are adapted to different produce, and he so orders and disposes the genius, temper, numbers and other circumstances relative to the inhabitants, as to render some employments peculiarly proper for one country, and others for another, and by this provision a mutual intercourse is kept up between the different parts of the globe. It would be folly in a Virginian to attempt a plantation of rice for the sake of having all he consumes from the produce of his own labour, when South Carolina, by nature, is peculiarly designed for rice, and capable of supplying one half the world. Old countries, stocked with people, are ordinarily best adapted to manufactures. Would it be the interest of New England, whilst thin of people, to turn their attention from the whale, cod, mackerel and herring fishery, their lumber trade and ship building, which require but few hands compared with many other sorts of business, to such manufactures as are now imported from Great Britain, or to take their sons from clearing the land, and turning an uncultivated wilderness

dernes

derness into pleasant and profitable fields, and set them to spinning, weaving, and the like employments ? I do not mean to discourage any persons, who cannot improve their time to greater advantage, from employing themselves and families in any branch of manufacture whatsoever. Idleness is the certain parent of vice. Industry, introduced, will ordinarily tend to produce a change of manners. A general philanthropy will induce us to delight in and contribute to the happiness of every part of the human race, by which we ourselves are no sufferers ; the State from whence we sprang, and upon which we still depend for protection, may justly expect to be distinguished by us, and that we should delight in and contribute to its prosperity beyond all other parts of the globe.

APPENDIX.

N^{o.} I.

A Summary of the affairs of the colony of New Plymouth, from the first settlement until the incorporation with Massachusetts, &c. in one Province.

THE first settlers of New Plymouth, as we have observed in our history of the Massachusetts colony, went, in the beginning of the seventeenth century, from England to Holland. Their removal to Holland was attended with no small difficulty and hazard. One of the company* gives this account of it. "There was a large company of them proposed to get passage at Boston in Lincolnshire, and for that end had hired a ship wholly to themselves, and made agreement with the master to be ready at a certain day, and take them and their goods in at a convenient place, where accordingly they would all attend in readiness. So after long waiting and large expense, though he kept not day with them, yet he came at length and took them in, in the night. But when he had them and their goods aboard he betrayed them, having beforehand complotted with the searchers and other officers so to do, who took them and put them into open boats and then rifled and ransacked them, searching them to their shirts for money, yea, even the women, further than became modesty, and then carried them back into the town, and made them a spectacle and wonder to the multitude, which came flocking on all sides to behold them. Being thus, first by the catch-poles, rifled and stript of their money, books and much other goods, they were presented to the magistrates, and messengers sent to inform the lords of the council of them, and so they were committed to ward. Indeed the magistrates used them courteously, and shewed them what favour they could, but could not deliver them till order came from the council table; but the issue was, that after a month's imprisonment, the greatest part were dismissed and sent to the places from whence they came, but seven of the principal men were still kept in prison and bound over to the assizes. The next spring after there was another attempt made, by some of these and others, to get over at another place. And so it fell out that they light of a Dutchman at Hull, having a ship of his own belonging to Zealand. They made agreement with him, and acquainted him with their condition, hoping to find more faithfulness in him than in the former of their own nation. He bade them not fear, for he would do well enough. He was by appointment to take them in between Grimstone and Hull, where was a large common a good way distant from any town. Now against the prefixed time, the women and children, with

* Bradford.

the goods, were sent to the place in a small bark, which they had hired for that end, and the men were to meet them by land ; but it so fell out that they were there a day before the ship came, and the sea being rough and the women very sick, prevailed with the seamen to put into a creek hard by, where they lay on ground at low water. The next morning the ship came, but they were fast and could not stir till about noon. In the mean time, the ship master, perceiving how the matter was, sent his boat to get the men aboard whom he saw ready, walking about the shore, but after the first boat-full was got aboard, and she was ready to go for more, the master espied a great company both horse and foot, with bills and guns and other weapons, for the country was raised to take them. The Dutchman seeing that, swore his country oath, ‘ sacramente,’ and having the wind fair, weighed anchor, hoisted sails, and away. After enduring a fearful storm at sea for fourteen days or more, seven whereof they never saw sun, moon nor stars, and being driven near the coast of Norway, they arrived at their desired haven, where the people came flocking, admiring their deliverance, the storm having been so long and sore, in which much hurt had been done, as the master’s friends related to him in their congratulations. The rest of the men that were in greatest danger made a shift to escape away before the troop could surprise them, those only staying that best might be assisting unto the women. But pitiful it was to see the heavy case of these poor women in distress ; what weeping and crying on every side, some for their husbands that were carried away in the ship, others not knowing what should become of them and their little ones, crying for fear and quaking with cold. Being apprehended, they were hurried from one place to another, till in the end they knew not what to do with them ; for, to imprison so many women with their innocent children for no other cause, many of them, but that they would go with their husbands, seemed to be unreasonable, and all would cry out of them ; and to send them home again was as difficult, for they alleged, as the truth was, they had no homes to go to, for they had either sold or otherwise disposed of their houses and livings : To be short, after they had been thus turmoiled a good while, and conveyed from one constable to another, they were glad to be rid of them in the end upon any terms, though, in the mean time, they, poor souls, endured misery enough.”

After eleven or twelve years’ residence in Holland, in which time they had contention among themselves, and divided and became two churches or congregations, one of the congregations, whose minister was Mr. John Robinson, determined to remove to America. There were many obstacles in their way, and it took up several years of their pilgrimage* to make the necessary preparations for such an undertaking. At length, in the year 1620, about one half the congregation embarked first from Holland to England, where two ships were ready to receive them, and they

actually

* I think I may with singular propriety call their lives a pilgrimage. Most of them left England about the year 1609, after the truce with the Spaniards, young men between twenty and thirty years of age : They spent near twelve years, strangers among the Dutch, first at Amsterdam, afterwards at Leyden. After having arrived at the meridian of life, the declining part was to be spent in another world, among savages, of whom every European must have received a most unfavourable, if not formidable idea. *Tantum religio potuit suadere.*

actually failed at a very seasonable time ; but meeting with contrary winds, and one of the ships proving leaky, they put back and were obliged to leave her with part of their company behind, the other ship proceeding upon her voyage late in the year, so that it was about the 8th or 9th of November before they made the coast of America, and falling more to the northward than they intended, they made another attempt to sail further southward, but meeting with contrary winds and hazardous shoals, they were glad to put into the harbour of Cape Cod,* determined to winter in the most convenient place they could find. This disappointment was grievous to them, but, before spring, they considered it as a favourable providence. They were so reduced in the winter by sickness and death, that they supposed they must have fallen a sacrifice to the Indians upon Hudson's river, where they proposed to begin a colony. The master, or pilot, it is said, bribed by the Dutch West India company, had engaged, at all events, not to land them at Hudson's river ; but they were determined upon it, and earlier in the year he would have found it very difficult to have diverted them.

The ship lay five weeks in Cape Cod harbour. They could not expect to find a better harbour, but the land was of no value. The passengers were employed, sometimes travelling by land, sometimes by water, in search of some other harbour where there was better land, but could find none capable of receiving vessels of any burden. At length, December 6th, they resolved upon one attempt more, and after coasting many leagues, a violent storm arose, and their pilot made for the first harbour, which he supposed to be Saganquabe, where he was well acquainted, but soon found himself in a cove† full of breakers, and crying out, 'My eyes never saw this place before,' would have run the shallop ashore before the wind, if a stout seaman who was at the helm had not called to the oars-men, 'About with her if you are men,' and by this means he saved their lives ; for he discovered an opening or sound ahead, and in a short time run the boat under the lee of an island now well known by the name of Clark's island. Here they rode out the storm, and in the morning went ashore, kindled a fire and rested, it being the first day of the week. The next day they sounded many parts of the harbour, and found good water for ships ; and were pleased with the land, and judged it the best place they had seen ; and the Indian corn-fields round the harbour encouraged them that they should be able also to raise bread for their support. Upon their return to the ship with this good news, they weighed anchor, and the whole company arrived the 16th of December. The whole number, exclusive of the mariners, amounted to one hundred and one, about one fourth part heads of families, the rest wives, children and servants. They supposed some at least of the company which they left behind in England, and most of the congregation in Leyden, with Mr. Robinson

* November 10. Cape Cod was the name which Gosnold gave it in 1692. Smith afterwards called it Cape James, but the first name having obtained among seamen, the other could not prevail against it. Both French and Dutch called it Malabar for a long time ; their writers do so perhaps to this day, from a shipwreck there.

† Since called the Gurnet's Nose.

Robinson the minister, * would follow ; and this seems to have been the whole number expected, upon their plan, for completing the colony.

They had obtained a grant of part of the continent near Hudson's river, before the year 1620, and expected to be under the government of the colony in Virginia ; but before they embarked they heard that the lands within their grant were made part of a new patent to the council of Plymouth in Devon, so that they were going into a part of the world where there was no government subsisting by authority from any European State, nor did they carry other powers or authority with them than what each of them brought into the world.

They were convinced, upon their passage, that they could not long subsist without government. Some of the inferior class among them muttered, that, when they should get ashore, one man would be as good as another, and they would do what seemed good in their own eyes. This led the graver sort to consider how to prevent it, and, for this purpose they prepared the following instrument for every man to sign before he landed.

“ IN the name of God amen. We whose names are underwritten, the loyal subjects of our dread sovereign lord king James, by the grace of God of Great Britain, France and Ireland, king, defender of the faith, &c. Having undertaken for the glory of God and advancement of the Christian faith,

* Thirty-five did arrive the 9th of November the next year, but their minister never came. He encouraged them from year to year, and seems to have been prevented by disappointments from those in England, who undertook to provide for the passage of him and his congregation, until the year 1625, when he died, and his congregation dispersed, although some found their way to their brethren before and some after his death. He was at first a thorough separatist, and Mr. Hubbard says “ was transported with their principles so far as to publish his opinions against hearing any of the preachers of the church of England, were they never so learned and pious, but afterwards acknowledged his error in a judicious and godly discourse,” &c. He is said to have been a man of good learning and of a benevolent disposition. Mr. Bradford relates an anecdote, which shews him, as well as their congregation in general, to have been in no small esteem among the Dutch. “ The magistrates of the city about the time of their coming away, or a little before, in the public place of justice, gave this commendable testimony of them in the reproof of the Walloons who were of the French church in the city. These English, said they, have lived among us now these twelve years, and yet we never had any suit or accusation come against any of them, but your strifes and quarrels are continual, &c.—In these times also were great troubles raised by the Arminians, who, as they greatly molested the whole State, so this city, in which was the chief university, in particular, and the two professors or divinity-readers themselves were divided in their opinions, the one teaching for it and the other against it.—Epistopius, the Arminian professor, put forth his best strength, and set forth sundry theses, which by public dispute he would defend against all men. Now Poliander, the other professor, and the chief preachers of the city, desired Mr. Robinson to dispute against him ; but he was loth, being a stranger ; yet the other did importune him, and told him that such were the abilities and nimbleness of the adversary, that the truth would suffer if he did not help them, so that he condescended and prepared himself against the time ; and when the day came the Lord did so help him to defend the truth and foil his adversary, as he put him to an apparent nonplus in this great and public audience, and so he did a second and a third time upon such like occasions, which procured him much honour and respect, &c.—and so far were they from being weary of him and his people, or desiring their absence, as was said by some of no small note, that, were it not for giving offence to the State of England, they would have preferred him, and allowed them some public favour.”

faith, and honour of our king and country, a voyage to plant the first colony in the northern parts of Virginia, do by these presents solemnly and mutually, in the presence of God and one of another, covenant and combine ourselves together into a civil body politic for our better ordering and preservation and furtherance of the ends aforesaid, and by virtue hereof to enact, constitute and frame such just and equal laws and ordinances, acts, constitutions and offices, from time to time, as shall be thought most meet and convenient for the general good of the colony, unto which we promise all due subjection and obedience. In witness whereof we have hereunto subscribed our names at Cape Cod the 11th of November, in the year of the reign of our sovereign lord king James of England, France and Ireland the 18th, and of Scotland the 54th, Anno Domini 1620. Signed by

*John Carver, Wm. Bradford, Edw. Winflow, Wm. Brewster, Isaac Allerton, Miles Standish, John Alden, Sam. Fuller, Christopher Martin, Wm. Mullins, Wm. White, Richard Warren, John Howland, Stephen Hopkins, Edw. Tilley, John Tilley, Francis Cook, Thomas Rogers, Thomas Tinker, John Ridgsdale, Edw. Fuller, John Turner, Francis Eaton, James Chilton, John Croxton, John Billington, Joses Fletcher, John Goodman, Digory Priest, Thomas Williams, Gilbert Winflow, Edw. Margefon, Peter Brown, Richard Bitteridge, George Soule, Richard Clarke, Richard Gardner, John Allerton, Thomas English, Edw. Doten, Edw. Leister.”**

By

* These I suppose to have been all the males of age in the company, twenty-one of whom died before the end of March, of the scurvy and other sickness, caused by bad lodging and bad diet and the hardships of the winter. About the same proportion of the women and children died also, fifty being the whole number then surviving. In 1650 there were thirty remaining alive, in 1679 only twelve, in 1694 only two, and Mary Cushman only, daughter of Isaac Allerton, was alive in 1698. I will give a brief account of several of these persons. John Carver had been deacon of their church in Holland, was esteemed for his discreet discharge of that office, and being a grave judicious man, their eyes were upon him for their chief ruler before they embarked. He lived but a short time. His grandson died about ten or twelve years since, at Marshfield, at the age of 102. Not long before his death, this grandson, with his son, his grandson and great-grandson were all at work together without doors, and the great great-grandson was in the house at the same time. This is not common. William Bradford was one of the younger men of the company. Douglass says he was a man of no family and no learning. His manuscripts shew that he was a plain sensible man, and in his public trust he was esteemed as a discreet, upright and faithful officer, and he deserves a better character than many of superior birth and education. His son was deputy governor after his death, his grandson and two of his great-grandsons, one of them now living, have been of the council for the Province. Edward Winflow was of a very reputable family and of a very active genius which fitted him for employment abroad, and in a great measure prevented a competition between Bradford and him for the governor's place. He was concerned in managing their treaties with the Indians, and with the neighbouring colonies, made several voyages to the eastward and to Connecticut river, as well as four or five voyages to England in the service of the colony first, and afterwards of Massachusetts, and so established himself in the favour of the then supreme authority in England as to be employed in some very important services. In 1651, he was one of the commissioners of Haberdasher's-hall, as they were called from the place of meeting, and in 1655 was one of the three superintendants in Cromwell's West India expedition. In one of his embassies, viz. in 1635, he had hard measure in England,

By this instrument they formed themselves into a proper democracy, and if they had gone no further perhaps they would have done but little towards preserving order. But one great reason of this covenant seems to have been of a mere moral nature, that they might remove all scruples of inflicting necessary punishments; even capital ones, seeing all had voluntarily subjected themselves to them. By common consent they agreed upon Mr. John Carver to be their first governor, "considering in his prudence that

he

England, the particular circumstances his friend Bradford has preserved from oblivion.—"It came to pass, that having occasion to answer some complaint made against the country at council board, chiefly concerning his neighbours in the bay, the which he did to great effect, and further prosecuting such things as might tend to the good of the whole, as well themselves as others, about the wrongs and encroachments that the French and other strangers both had done and were like further to do unto them if not prevented, he preferred the petition following to their honours that were deputed commissioners for the plantations.

To the right honourable the lords commissioners for the plantations in America.

The humble petition of Edward Winslow on behalf of the plantations in New England humbly sheweth unto your Lordships, that whereas your petitioners have planted themselves in New England under his majesty's most gracious protection, now so it is, right honourable, that the French and Dutch do endeavour to divide the land between them, for which purpose the French have upon the east side entered and seized upon one of our houses and carried away the goods, slew two of the men in another place, and took the rest prisoners with their goods; and the Dutch in the west have also made entry upon Connecticut river within the limits of his majesty's letters patents, where they have raised a fort and threaten to expel your petitioners thence who are also planted upon the same river, maintaining possession for his majesty, to their great charge and hazard both of lives and goods. In tender consideration hereof your petitioners humbly pray, that your lordships will either procure their peace with those foreign States, or else give special warrant unto your petitioners and the English colonies to right and defend themselves against all foreign enemies: And your petitioners shall ever pray, &c.

" This petition found good acceptance with most of them, and Mr. Winslow was heard sundry times by them, and appointed further to attend for an answer from their lordships, especially having upon conference with them laid down a way how this might be done without any other charge or trouble to the State, only by furnishing some of the chief of the country here with authority, who would undertake it at their own charge, and in such a way as should be without any public disturbance. But this crossed both Sir Ferdinando Gorges and captain Mason's design, and that of the archbishop of Canterbury by them, for Sir F. Gorges, by the archbishop's favour, was to have been sent over general governor into the country and to have had means from the State for that end, and was now upon dispatch and conclusion of the business. And the archbishop's intent was by his means and some he should send with him (to be furnished with episcopal power) to disturb the peace of the churches here, and to overthrow their proceedings and prevent their further growth, which was the thing he aimed at. But it so fell out, by God's providence, that though he in the end crossed this petition from taking any further effect in this kind, yet by this as a chief means the plot and whole business of his and Sir Ferdinando's fell to the ground and came to nothing. When Mr. Winslow should have had his suit granted, as indeed, upon the point it was, and should have been confirmed, the archbishop put a stop upon it, and Mr. Winslow, thinking to get it freed, went to the board again; but the bishop, Sir Ferdinando and captain Mason had, as it seems, procured Morton to complain, to whose complaints Mr. Winslow made answer to the good satisfaction of the board, who checked Morton and rebuked him sharply, and also blamed Sir Ferdinando Gorges and Mason for countenancing him;

but

he would not adventure upon any matter of moment without consent of the rest, or, at least, advice of such as were known to be the wisest among them." (*Hubbard.*) They seemed cautiously to have reserved as much of their natural liberty as could be consistent with the maintenance of government and order. This was rational, and every thinking man, when he first quitted the state of nature, would do the same. Lord chief justice Holt said, in the case of *Blankald v. Galdy*, that in case of an uninhabited

but the bishop had further end and use of his presence, for he now began to question Mr. Winslow of many things, as of teaching in the church publickly, of which Morton accused him, and gave evidence that he had seen and heard him do it; to which Mr. Winslow answered, that sometimes, wanting a minister, he did exercise his gift to help the edification of his brethren when they wanted better means, which was not often. Then about marriage, the which he also confessed, that having been called to place of magistracy he had sometimes married some; and further told their lordships that marriage was a civil thing, and he found no wheré in the word of God that it was tied to a minister; again, they were necessitated so to do, having for a long time together at first no minister, besides, it were no new thing, for he had been so married himself in Holland by the magistrates in their State-house. But, in the end, to be short, by these things, the bishop by vehement importunity got the board at last to consent to his commitment, so he was carried to the fleet and lay there seventeen weeks or thereabouts before he could get to be released. The other design by this business and other things concurring, was frustrated, which was no small blessing to the people here." Mr. Winslow settled at Marshfield upon a valuable tract of land which now belongs to his eldest male descendant. A rare instance among us. To his estate he gave the name of Carewell, and from thence dated many of his letters to governor Winthrop, with whom he was very intimate, and frequently came from thence to Boston to visit him, sometimes, perhaps, by water, but often by land, not as governors travel at this day in a chariot or post-chaise, but for some of the first years at least, upon his feet. In the same manner governor Endicott travelled from Salem to Boston. I was pleased with this paragraph of a letter from him to his successor, governor Winthrop.—" Salem, 12th of April, 1631. Right worshipful, I did hope to have been with you in person at the court, and to that end I put to sea yesterday and was driven back again, the wind being stiff against us, and, there being no canoe or boat at Sawgus (Lynn) I must have been constrained to go to Mystic and thence about to Charlestown, which at this time I durst not be so bold, my body being at present in an ill condition to wade or take cold, and therefore I desire you to pardon me." I cannot help revering our good forefathers, who cheerfully exposed themselves to these hardships. Mr. Winslow's son was first an assistant, then governor of the colony, his grandson one of the council for the Province, and many years at the head of the county of Plymouth, one of his great-grandsons lost his life fighting for his country, (p. 277) and two others are now living in repute, and in offices of honour and trust, and there are many reputable branches of the name and family in different parts of the Province. William Brewster was highly esteemed by the whole company, was their ruling elder in Holland, which seems to have been the bar to his being their governor, civil and ecclesiastical office in the same person being then deemed incompatible. Mr. Bradford gives this account of him. " After he had attained the knowledge of the Latin tongue and some insight into the Greek, and spent some small time at Cambridge; and then, being first seasoned with the seeds of grace and virtue, he went to the court and served that religious and godly gentleman, Mr. Davison, divers years, when he was secretary of State, who found him so discreet and faithful, that he trusted him above all other that were about him, and only employed him in all matters of greatest trust and secrecy. He esteemed him rather as a son than a servant, and for his wisdom and godliness, in private, he would converse with him more like a friend and familiar than a master. He attended his master, when he was sent in ambassage by the queen into the Low Countries, in the earl of Leicester's time.—He afterwards remained with him till his trouble, when he was put from his place

uninhabited country newly found out by English subjects, all laws in force in England are in force there, and the court agreed with him. Until they should agree upon laws suited to their peculiar circumstances, our Plimothans resolved to make the laws of England their rule of government, which, Mr. Hubbard says, "they were willing to be subject unto, although in a foreign land," and it seems they differed much in this respect from the Massachusetts colonists, and never established any distinct code or body of laws,

place about the death of the queen of Scots, and some time after, doing him many faithful offices of service in the time of his troubles. Afterwards he went and lived in the country in good esteem among his friends and the gentlemen of those parts, especially the godly and religious. He was the chief of those that were taken at Boston, and suffered the greatest loss. After he came into Holland he suffered much hardship, having spent most of his means, having a great charge and many children, and in regard of his former breeding and course of life not so fit for many employments as others were, especially such as were toilsome and laborious. In the latter part of the time spent in Holland, his outward condition was mended. He fell into a way, by reason he had the Latin tongue, to teach many students who had a desire to learn the English tongue, for he drew rules to learn it after the Latin manner, and many gentlemen, both Danes and Germans, resorted to him, as they had time from their other studies, some of them being great men's sons. Removing into this country, these things were laid aside, and a new course of living must be submitted to, in which he was no way unwilling to take his part and to bear his burthen with the rest, living many times without bread or corn many months together, many times having nothing but fish, and often wanting that also, and drank nothing but water for many years together, yea, till within five or six years of his death, and yet he lived, by the blessing of God, in health till very old age," &c. He lived until 1643, and then died at the age of 84. His grandson, William Brewster, was deacon of the church at Duxbury. Many of his posterity, I am informed, are living in that colony. Isaac Allerton or Alderton, the first assistant, was employed several times to negotiate matters in England relative to their trade, and at length left them and settled there. His male posterity settled in Maryland. If they be extinct, Point Alderton, which took his name, will probably preserve it many ages. Miles Standish is said, by Morton, to have been "a gentleman of Lancashire, heir to a great estate, surreptitiously detained from him, his great-grandfather being a second or younger brother of the house of Standish," had been a soldier in the Low Countries, and was thought, although of remarkable small stature, the most proper person for their chief military officer as long as he lived. Many things are said of his notable strength and courage. When the news of the first Indians being killed, by him, came to Mr. Robinson in Holland, he writes to his church to consider the disposition of their captain, who it seems was of a warm temper, and he hoped the Lord had sent him among them for good, if they used him right; but Mr. Robinson doubted whether there was not wanting that tenderness of the life of man, made after God's image, which was meet, and he thought it would have been a happy thing if they had converted some before they had killed any. It seems Standish was not of their church, at first, and Mr. Hubbard says he had more of his education in the school of Mars than in the school of Christ. He acquired, however, the esteem of the whole colony, and died in 1656, much lamented. His farm in Duxbury retains the name of Captain's Hill to this day, and some part of it yet remains in the possession of one of his posterity. William White was remarkable for being the father of the first-born child, Peregrine White, who lived until 1704. Stephen Hopkins was one of the assistants, and seems to have been much employed in their public affairs. Purchase mentions one Stephen Hopkins, one of Sir George Somers's company at Bermudas, as being disaffected to their civil and ecclesiastical regulations, and a promoter of separation, and not unlikely to be the same person. He was the ancestor of Mr. Hopkins of Providence, the present governor of Rhode Island. Richard Warren is mentioned by Bradford as a most useful

laws, but "added some particular municipal laws of their own, suitable to their constitution, in such cases where the common law and the statutes of England could not well reach and afford them help in emergent difficulties, following the advice of Pacuvius to his neighbours of Capua, not to cashier their old magistrates till they could agree upon better to place in their room." Cartwright, who had a chief hand in reducing puritanism to a system, held, that the magistrate was bound to adhere to the judicial law of Moses, and might not punish nor pardon otherwise than they prescribed, and him the Massachusetts people followed. It must be allowed that, in some instances, the Plimothans run into the same errors with Massachusetts people, and established penalties disproportioned to the offences. A young factor, who came from Virginia, was captivated with the charms of an Indian girl, and the effects of a criminal conversation soon appeared. He found suspicions rising against him, and had no other way to avoid whipping but to leave the colony. Accordingly he privately departed to the colony from whence he came, where I suppose his offence would not have been thought very heinous. If he had forged a deed he might have escaped with a moderate fine. I would not be understood to intend that fornication should pass with impunity, but certainly forgery requires a more infamous punishment. But this was not all. It was thought by one,* at least, among themselves, that some enormous Sodomitical crimes committed by profligate persons who had mixed among them, were owing to the severe penalties annexed to lascivious acts, which, though less criminal, were more suspected and more likely to be discovered by their consequences. We do not condemn the laws for restraining human

passions

useful man among them the short time he lived, dying in 1628; his son, grandson and great-grandson have been since employed in public posts in the colony and Province. John Alden was many years an assistant, and several of his descendants have sustained public offices, and some of them are now living: So are the descendants of John Howland. I can give no account of the rest of this company. Timothyatherly was a merchant in London, engaged with them from the beginning, and came over two or three years after the first. He was the principal founder of the town of Scituate, and was an assistant: So was Thomas Willett, who came from London in 1629, and was a principal trader with the Dutch at Manhados, and in such esteem with them that they chose him a referee to settle their controverted boundary with the colony of New Haven. He lived many years after, and died at Swansey. His son was one of the first settlers of the Narraganset country in the beginning of this century, and his grandson, Francis Willet, esquire, is a person of distinguished character in that colony. William Thomas, Edmund Freeman, James Cudworth, Thomas Southworth, were all assistants, and their families still remain in the colony. I may not omit taking notice of Richard Bourne, an early settler, and a most zealous and indefatigable promoter of the gospel among the Indians, and though I do not find him named in the magistracy himself, yet two of his descendants have been of the council for the Province, and several more are now living of very reputable characters, and distinguished by posts of honour and trust. These were the founders of the colony of New Plymouth. The settlement of this colony occasioned the settlement of Massachusetts, which was the source of all the other colonies of New England. Virginia was in a dying state, and seemed to revive and flourish from the example of New England. I am not preserving from oblivion the names of heroes whose chief merit is the overthrow of cities, provinces and empires, but the names of the founders of a flourishing town and colony, if not of the whole British empire in America.

* Bradford.

passions and natural propensities, but they will sometimes, like waters close dammed or pent up, seek vent and break through with greater violence. They thought the magistrates, being God's ministers, were bound to punish all offences in their courts in the same proportion as the supreme Judge would punish them in the court of heaven.

They had no scruples of their authority by virtue of their combination to inflict corporal punishment for lesser offences. They had been ten years combined before any capital offence was committed. In 1630, John Billington, who had slipped in among them when they were at London, not being one of their church, lay in wait for his companion with whom he was offended, and wounded him, so that he died presently after. They were in doubt of their authority to pass sentence of death. They had just obtained their patent from the council of Plymouth, which gave all the powers which they had authority to give; but if the council, by their patent, had no authority to inflict capital punishment themselves, it might well be inquired how they could give this power to their substitutes. Their chief reliance, therefore, seems to have been upon the voluntary submission of this offender among the rest to the laws and orders of the whole body. This, from a mere moral consideration, might induce them to proceed to trial and punishment, but as they were within the dominions of Great Britain, and had no constitutional authority to erect courts of justice, scruples of the legality still remained. They therefore applied to their neighbours in Massachusetts, and prayed their advice. Mr. Winthrop, having consulted with "the ablest gentlemen there," concurred with the opinion at Plymouth, that the man ought to die and "the land be purged from blood." This was founded upon the divine command, "Whosoever sheddeth man's blood," &c. which was not in any case to be dispensed with. Although they were not clothed with legal authority, they observed, nevertheless, the forms of law, and both grand jury and petty jury were impanelled, and after indictment, verdict and sentence, the criminal was executed. I find no scruple afterwards of as full authority in all cases whatsoever, as any of the charter governments or any government by royal commission, until after the restoration of king Charles II.

Mr. Carver, the first governor, died suddenly a few months after their arrival. They chose William Bradford to succeed him, and Isaac Allerton his assistant; but gave this reason for choosing an assistant, that Mr. Bradford was upon recovery from a fit of sickness, and unable to bear the whole burden; however, it served for a precedent, and the same persons were annually elected governor and assistant until 1624, when they added four persons more for assistants, and gave the governor a double voice, and in 1633 two more, after which they kept to the number of seven assistants, until they submitted to king James II. his commission to Andros. In seventy years they had no more than six different persons governors. In popular governments, where the elections are frequent and changes rare, it is ordinarily a proof of a spirit of virtue, and a presumption arises that they have pitched upon persons well qualified; and on the contrary, frequent shifting from one person to another, and from one set of officers to another, with continual animosities, contentions and struggles between the two parties, which we have seen instances of in the colonies, is a proof that this spirit is not predominant.

Bradford, who succeeded Carver, was chosen annually from 1621 until he died in 1657, except in 1633, 1636 and 1644, when Edward Winslow was chosen, and 1634 when Thomas Prince was chosen, who also succeeded Bradford and was annually elected, until his death in 1673, when Josias Winslow succeeded and continued until he died in 1680, and was succeeded by Thomas Hinkley, who held the place, except in the interruption by Andros, until the junction with Massachusetts in 1692.

I do not find when they first chose a deputy governor or gave an assistant the name of deputy governor, for I know of no peculiar share of power; but in the latter part of the patent, William Bradford, son to the first governor, is named deputy governor. The charters of the three New England charter governments mentioning such an officer probably led them to a conformity. They had no house of representatives until the year 1639.* There seems to have been no occasion for one before. Their number was small, the election of governor and assistants annual; they were to all intents and purposes the representatives of the people, and indeed, when the colony increased, the increasing the number of assistants might have answered all the purposes of choosing the same number with another name. The people of Massachusetts had some special reasons, which the people of Plymouth had not. They were limited by charter to eighteen assistants. The people were not satisfied that the whole powers of government should be in so few hands. They could have a remedy in no other way than by creating a distinct body of men to share with the governor and assistants in acts of government. The people of Massachusetts, from the beginning, endeavoured to preserve two distinct ranks or orders of men, gentry and commonalty.† There was a general disposition to elect the governor, &c. from the former rank; their ministers preached it as a Christian and moral duty. That the commonalty, or, as they expressed themselves, the generality, might come in for a share, they formed a new body by the name of representatives, although their charter knew nothing of it.

Whilst they were few in number, so that the whole body could assemble in one place, the whole were frequently convened to determine upon matters executive as well as legislative.‡ When they were increased and were divided into towns remote from the centre, this became impracticable. They then seem to have followed the model of Massachusetts, the governor and assistants being the supreme judiciary power and sole in judging high offences, lesser offences being cognizable before inferior courts and single magistrates; and in civil matters appeals also lay from inferior jurisdictions to the supreme.

I shall briefly touch upon their ecclesiastical affairs. I suppose this people were the first who took or received the name of Independents, which in

* At the general court held the 4th of June, 1639, committees or deputies sent from each town, four from Plymouth, two from Duxborough, two from Scituate, two from Sandwich, two from Cohannet (Taunton) two from Yarmouth, two from Barnstable. *Colony records.* In June, 1649, it was ordered that Plymouth should send only two.

† Vol. I. Appendix, No. 2.

‡ At a general court held the 27th of March, 1634, it was ordered that all actions either of debt or trespass under 40s. be tried by the governor and assistants without the trouble of the whole body. — *Colony records.*

in a few years after was the name given to a body of men in England who assumed the government there. When they first went to Holland, they were known by the name of Brownists. Some of the characteristics of Brownism they afterwards disclaimed, and at the same time disclaimed the name, which was generally odious, the character of the founder of the sect being, at best, problematical. Besides, he renounced his principles and returned to episcopacy. The Puritans they could not conform to, and therefore considered themselves as a distinct church or by themselves independent of all other. Cardinal Bentivoglio makes them a distinct sect in Holland by the name of Puritans, though he was unacquainted with their inducement to leave England, and supposes it commerce and not religion.* The Massachusetts people refined and took the name of Congregationalists, although it will perhaps be difficult, at this day, to shew any material difference between the churches of the two colonies; for although Plymouth never established by act of government the Massachusetts platform, yet in practice they seem generally to have conformed to it.

Whilst they expected their minister from Holland they were without the sacraments; they had constant public worship, their pious elder generally praying and preaching, or as they then termed it prophesying, and sometimes one or other of the brethren best gifted or qualified. After their minister's death, they made trial of four or five, but some were of bad morals, others of principles not approved, and others met with better offers, so that they had no minister settled to their satisfaction until Mr. John Reyner came among them in the year 1636. The whole colony made but one church until the year 1633, when those brethren who lived on the side of the bay opposite to the town, where Duxbury now is, broke from the rest because of the difficulty of travel, and became a distinct society. Perhaps their being so long without a minister at first, might be the reason why they were less anxious to be furnished with ministers, immediately upon their spreading and forming new towns and settlements, than their neighbours in Massachusetts and Connecticut.

Considering the rapid increase of Massachusetts and Connecticut, it may not be amiss to give the reasons of the very slow growth of Plymouth, for in thirteen or fourteen years the whole colony was not become too numerous for one middling town. They had pitched upon some of the poorest land in New England, and had frequent thoughts of quitting it. In 1623, their brethren write from Leyden, and desire, that seeing by God's providence "that place fell to their lot, they would not leave it nor languish after other places, though they had discovered more rivers and more fertile places than where they were;" but in 1633, they took possession of Connecticut river, and built and fortified a house for trade, where Hartford now is, and afterwards when Massachusetts dispossessed them, they urged among other reasons for holding possession, that "they lived upon a barren place where they were by necessity cast, and neither they nor theirs could long continue upon the same, and why

should

* *I Puritani ancora vi son tolerati, che sono i più puri e i più rigidi Calvinisti, i quali non vogliono riconoscere autorità alcuna né magistrati politici sopra il governo de' loro ministri heretici, e sono quasi tutti de' Puritani d'Inghilterra, che per occasione di commercio frequentan l'Olanda, e le altre Province Unite.* — Della relatione delle Province, &c.

should they be deprived of that which they had provided and intended to remove to as soon as they were able.*

In the next place, the plan they set out upon was not to make a great colony in a little time, but to preserve a pure and distinct congregation; they neither desired any people of a different persuasion to mix with them, nor did any such incline to go among them. When one of their number was hanged ten years after the settlement began, it was remarked that he had been a profane person, and guilty of other miscarriages before that for which he suffered, and that by means of some of his friends in London he had been shuffled in among them. If all in England, who called themselves Brownists and Independents at that day had come over with them, they would scarcely have made one considerable town. Indeed, a few years after, most of those who had before been called Puritans, were willing enough to own the same principles with them, though they did not like the name.

We may add one cause more, viz. that their views when they left England were rather to establish a factory than a colony. They had no notion of cultivating any more ground than would afford their own necessary provisions, but proposed that their chief secular employment should be commerce

* Mr. Bradford among the proceedings of the year 1633 places their possession of Connecticut river. "Having had formerly converse and familiarity with the Dutch, as is before remembered, they seeing them seated here in a barren quarter, told them of a river called by them the Fresh River, but now is known by the name of Conighticute River, which they often commended to them for a fine place both for plantation and trade, and wished them to make use of it, but their hands being full otherwise, they let it pass; but afterwards there coming a company of banished Indians into these parts that were driven out from thence by the potency of the Pequods, they often solicited them to go thither and they should have much trade, especially if they would keep a house there, and they began to send that way for discovery and trade with the natives. They found it to be a fine place, but no great store of trade, but the Indians excused it by reason of the fear they were in of their enemies. They tried divers times and not without profit, but saw the most certainty would be by keeping a house there to receive the trade when it came down out of the inland. The Indians, seeing they were not very forward to build there, solicited them of Massachusetts in like sort, (for their end was to be restored to their country again) but they in the bay being lately come were not fit for the same, and some of their chiefs made a motion to join with the partners here to trade jointly in that river, which they were willing to embrace, and so they would have built and put in equal stock together. A time of meeting was appointed at Massachusetts, and some of the chief here were appointed to treat with them, and went accordingly; but they cast many fears of danger and loss and the like, which were perceived to be the main obstacles, though they were not provided of trading goods; but those here offered to put in sufficient for both, provided they would become engaged for the half and prepare against the next year. They confessed more could not be offered, but thanked them and told them they had no mind to it. They then said they hoped it would be no offence if they went on without them. They said there was no reason they should, and thus the treaty broke off. Those here took convenient time to make a beginning there, and were the first English who both discovered that place and built in the same. But the Dutch began now to repent, and hearing of their purpose and preparation, endeavoured to prevent them, and got in a little before them, and made a slight fort, and planted two pieces of ordnance, threatening to stop their passage; but they having made a small frame of a house ready, having a great new bark, they stowed their frame in her hold and boards to cover and finish it, having nails, &c. fitting for their use; this they did the rather that they might have a pre-
sent

commerce with the natives ; and they entered into contract with a company of twenty or more merchants and others, many of them belonging to Bristol, who were to furnish them with goods, and at the end of seven years the profits were to be divided equally between the merchants in England and the colonists, all the houses and improved land to be valued in the joint stock. This last circumstance was a sufficient bar to any extraordinary improvement of the lands. Here I cannot help remarking that they had a fine opportunity of making fortunes, having few or no rivals ; and the Indians were charmed with European goods, as well to adorn as to clothe themselves, and goods sold at great advance and the furs came cheap ; but a variety of misfortunes and losses by sea for several years together kept the balance against them. They were but little acquainted with trade, and perhaps our forefathers were not so worldly-minded as their posterity have since been. At first they made every man a partner. Every man's person was valued at ten pounds' interest in the stock, and his whole time was to be employed for the common benefit. He that had 90l. in the general stock, with the addition of 10l. for his person, was to share ten times as much as he who had no substance at all. This was a hard bargain for the poor, and I should not wonder if persons who could

ent defence against the Indians, who were much offended that they brought home and restored the right sachem of that place, called Natuwannute ; so that they were to encounter with a double danger in this attempt, both the Dutch and the Indians. When they came up the river, the Dutch demanded what they intended and whither they would go ; they answered up the river to trade ; now their order was to go and and seat above them.—They bid them strike and stay or else they would shoot them, and stood by their ordnance ready fitted ; they answered they had commission from the governor of Plymouth to go up the river to such a place, and if they did shoot, they must obey their order and proceed, they would not molest them, but would go on. So they passed along ; and though the Dutch threatened them hard, yet they shot not. Coming to their place they clapped up their house quickly and landed their provisions, and left the company appointed and sent the bark home, and afterwards pallisadoed their house about and fortified themselves better. They did the Dutch no wrong, for they took not a foot of any land they bought, but went to the place above them, and bought that tract of land which belonged to those Indians which they carried with them and their friends, with whom the Dutch had nothing to do."—*Bradford's MS.*

I cannot let this extract pass without an observation relative to Massachusetts. In the controversy between New York and the two governments of Massachusetts and Connecticut, the charters to which give them a territory west to the South Sea, except such parts as were possessed by any prince or State, the government of New York claims to Connecticut River, because the Dutch were in possession, and it was part of the exception, and therefore the grant of it afterwards to the duke of York was good. This manuscript of Bradford is the most ancient memorial relative to this part of the country which is now extant, and it appears from it that until divers years after the date of the Massachusetts charter the Dutch had no sort of possession in the Fresh or Connecticut River, nor any intention of settling there, but encouraged the people of New Plymouth, with whom they had begun a correspondence and trade, to quit this settlement and remove thither, and therupon the Plimothians, several times before the year 1632, went up the river and had begun a trade there ; but the Dutch, probably alarmed by the formidable appearance of the Massachusetts colony, then repented of the advice they had given, purchased a tract in the lower part of the river, and would have prevented the English from passing, but failed in the attempt, and they were soon after obliged to quit the river themselves, and in 1650 formally relinquished all claim or pretence to jurisdiction there.

could bring no money to put in the stock were discouraged from settling among them. After the expiration of the seven years, and a settlement with their partners in England, the principal persons were obliged to become bound for the balance which remained in the hands of the colony or factory, and from that time took the trade into their own hands, exclusive of the poorer sort, who had spent seven years in labour and toil, and had received subsistence only, and that oftentimes scant enough.

They had for eight or ten years almost the whole supply of the Indians who were near neighbours to them, but their greatest expectations were from the eastern Indians, and they set up a truck-house at Penobscot and another upon Kennebeck river. The latter they found most advantageous and sought for a grant of a convenient tract from the council of Plymouth, which they obtained in the year 1628, but it was "so strait and ill bounded," that the next year, 1629, when a grant was made of the lands intended for the whole colony, the tract of country at Kennebeck was granted anew, and the limits enlarged. They met with some opposition in 1634 from persons employed by lord Say and lord Brook, who claimed a right of trading at the same place with the Plymouth people, I suppose by a grant from Gorges, and a fray happened in which one was killed on each side. Lord Say's company were Puritans, and those of Plymouth Independents. The enemies of both reproached both for making religion the professed motive to colonizing, and so soon after killing one another for the sake of beaver.* This grant upon Kennebeck, within twelve or fifteen years past, from a different construction of the words which describe the limits, has been the cause of great contention. Perhaps the relation of this action by governor Bradford may afford some light in the controversy. I shall therefore cause it to be inserted in the margin exactly as I find the words and points in his manuscript.†

For

* Nolle vi et cæde pro evangelio certari. LUTH.

† "I am now to enter upon one of the saddest things that befall them since they come. But before I begin it will be needful to premise such parte of their patente as gives them right and priviledge at Kenebeck. As followeth. The said counsell hath further given, granted, bargained, sold, infeoffed, allotted, assignd and set over, and by these presents, doe clearly and absolutely give, grante, bargane, sell, alliene, enfeofe, allote, assigne and confirme unto the said William Bradford, his heires, associates, and assignes, All that traete of land er part of New England in America aforesaid, which lyeth within or betweene, and extendeth it selfe, from the utmost limits of Cobifconte which adjoyneth to the river of Kenebeck, towards the westerne ocean, and a place called the falls of Nequamkick in America aforesaid, And the space of 15 English myles, on each side of the said river, commonly called Kenebeck river, and all the said river called Kenebeck, that lyeth within the said limits and bounds eastward, westward, northward and southward, last above mentioned; and all lands, grounds, soyles, rivers, waters, fishing, &c. And by vertue of the authority to us derived by his said late Ma^{rs} L^{es} patents to take, apprehend, seife, and make prise of all such persons their ships and goods, as shall attempte to inhabite, or trade, with the savage people of that countrie within the severall presincts, and limits of his, and their severall plantations, &c.

Now it so fell out that one Hocking, belonging to the plantation of Piscataway, wente with a barke, and commodities to trade in that river, and would needs press into their limits, and not only so but would needs goe up the river above their house (towards the falls of the river) and intercept the trade that should come to them. He that was cheefe of the place forbad them, and prayed him that he would not offer

For two or three years after their arrival all things were in common, no man having any property but what was put into the common stock and every person furnished with clothing and provisions out of this stock. A certain quantity of land in the beginning of the year was assigned for planting, and every man had such a proportion of the labour assigned him. Mr. Bradford remarks, upon this occasion, that the ill success of this community of goods, even among godly and sober men, fully evinced the vanity of that conceit of Plato, that the taking away property and bringing in community into a commonwealth would make them happy and flourishing, and in fact they raised so little provisions, that once, at least, they were in danger of starving, and before their crops were fully ripe, great part would be stolen out of the fields to satisfy hungry bellies, and severe whipping of the offenders would not deter others in the like circumstances from committing the like offence; besides, it occasioned constant discontent and murmuring; the young men, most capable of labour, who had no families, thought much of labouring for other men's wives and children; those in their full strength complained that it was unjust to allow them no more in the division of victuals and clothing than them who were weak and could not do a quarter part of the labour; the aged and grave men thought it an indignity and disrespect to be upon a level, as in labour so in victuals and clothes, with the younger, and in other respects inferior sort; husbands could not brook it that their wives should be commanded to do menial services, dressing meat, washing clothes, &c. for other men; all being to do and all to receive alike, it was inferred that in all other respects they ought to be alike, and one man was to all intents and purposes as good as another, and no subordination, no civil distinction could be preserved. After three years they found it absolutely necessary to come into some new measures, and began

offer them that injurie, nor goe about to infringe their liberties, (which had cost them so dear) but he answere he would go up and trade there in dispite of them, and lye there as longe as he pleased; the other told him he must then be forced to remove him from thence, or make feasure of him if he could. he bid him do his worste, and so wente up and anchored there. The other took a boat, and some men, and went up to him, when he saw his time, and againe entreated him to departe, by what persuation he could. But all in vaine, he could get nothing of him but ill words. So he confidered that now was the season for the trade to come downe, and if he should suffer him to lye, and take it from them, all their former charge would be lost, and they had better throw up all. So consulting with his men, (who were willing therefor) he resolued to put him from his anchores, and let him drive downe the river with the stremme; but commanded the men that none should shoote a shote upon any occasion except he commanded them. He spoake to him againe but all in vaine, then he sent a couple in a canow to cutte his cable, the which one of them performs, but Hocking takes up a pece which he had layded ready, and as the barke shered by the canow he shot him close under her side, in the head (as I take it) so he fell downe dead instantly. One of his fellows (which loved him well) could not hold, but with a musket shot Hocking, who fell downe dead and never spoake word; this was the truth of the thing; the rest of the men carried home the vessel and the sad tidings of these things. Now the Lord Say and the Lord Brooke with some other great persons had a hand in this plantation; they write home to them, as much as they could to exasperate them in the matter; leaving out all the circumstances, as if he had been killed without any offence of his parte, concealing that he had killed another first, and the just occasion that he had given in offering such wrong; at which their Lord^{ps} were much offended till they were truly informed of the matter."—
Bradford's MS.

began with assigning to each family a certain quantity of land sufficient to raise corn enough for their support, but in all other respects to continue in the general way, until the seven years for which they had contracted with their partners in England for the profits of their labour were expired. There was immediately a new face upon their affairs; much more corn was planted than the governor, by the exertion of all his authority, could ever cause them to plant in any year before; women and children, who were weak and unable before, went cheerfully with their husbands and parents to plant corn, and every family had enough for their support, and many of them some to spare. An emulation was created and increased every year to exceed in quantity, and in a few years they were able to raise sufficient to make it a valuable article in their Indian trade, being then worth six shillings sterling a bushel; the Indians in a great measure left off raising it, the hunting life being more agreeable to them, when they found with their furs they could purchase what they wanted.

The colony had struggled for seven or eight years, and had made but small improvements in cultivating the ground, and were not numerous enough to think of dividing and extending to the inland parts of the country, when Mr. Endicott arrived at Salem to prepare the way for the grand undertaking of settling Massachusetts. This must have given fresh spirits to the Plimothans. Without this, I think, there is great reason to question whether the plantation would not in a few years have been deserted and the settlers have removed to some more fertile part of America, or, which is more probable, have returned to England, where, from the change of times, they might have enjoyed civil and religious liberty, for the sake of which they first quitted it, in as great a latitude as their hearts could wish.

In a small colony it cannot be expected that we should meet with many events of moment after they had grappled with the hardships which attended their first settlement. Mr. Bradford remarks that the Spaniards were thought by Peter Martyr to have suffered hardships which none but a Spaniard could endure, when they were obliged to live for five days together upon the parched grain of maize only, and that not to satiety; whereas the Plimothans the first two or three years thought a meal of their maize as good as a feast, and sometimes not for five days only, but for two or three months together, were destitute of that and all other corn or bread of any kind; but with their miseries, he says, they opened a way to these new lands, for other men to come afterwards with ease and inhabit them. The fourth year after their arrival, they were threatened with the total destruction of their crop, and absolute famine. From about the middle of May to the middle of July, they had not one shower of rain, and the extreme heat of the sun upon their sandy soil had so dried up their corn, that they were almost in despair of its ever being restored; but in the evening after a day of fasting and prayer, it began to rain, and by repeated showers their corn recovered its verdure, and they had a plentiful harvest. They afterwards found by experience that such droughts are frequent in this climate; but the infinitely wise and good Creator has so ordered the seasons, that these droughts have always been followed, before the end of the summer, with refreshing rains; and although the fruits of the earth have been much diminished, yet harvest hath never failed, men and beasts have been supported, and ordinarily, in the next succeeding year, there has been a remarkable plenty.

The terror which fire-arms struck into the Indians prevented them from destroying this small company. There were not above seven men capable of bearing arms in the time of sickness the first winter. Soon after, the potent nation of Narraganset sent to the English a bundle of arrows tied with a snake's skin, as a defiance and denunciation of war. The English filled the skin with bullets, and sent it back with this answer, that they had done them no wrong, did not fear them, and were provided for them, come when they would. The Narragansets would not suffer the bullets to come near them, and they were moved about from place to place, till they found their way back to the English again, and the Indians remained quiet. As the Indians learned the use of fire-arms, the English increased in number, and until the year 1675, there was no open rupture, except the short offensive war with the Pequots in their own country, which ended in their destruction.

However rigid the New Plymouth colonists may have been at their first separation from the church of England, yet they never discovered that persecuting spirit which we have seen in Massachusetts. When Mrs. Hutchinson and her adherents were banished from that colony, they applied to the colony of Plymouth, for leave to settle upon Aquidnick or Rhode Island, which was then acknowledged to be within Plymouth patent, and it was readily granted, although their tenets were no more approved by Plymouth than by Massachusetts. Some of the Quakers also fled to Plymouth bounds, and probably saved their lives; for although they made laws severe enough against erroneous opinions, yet in no case capital; and the Baptists were still more favourably received, the town of Swanzey being principally settled by Baptist refugees from the Massachusetts colony, and when one of their ministers settled in the church of Plymouth, they were content that he should baptize by immersion or dipping any who desired it, provided he took no exception to the other minister's sprinkling such for whom immersion was not judged necessary.

Until 1629, they were in doubt about their title to their lands. They were constantly soliciting a grant, or, as they term it, an assurance from the council of Plymouth. In 1624, they employed one John Pierce, who procured a grant to himself for about fifty pounds, but he kept it in his own hands, and refused to assign it for less than five hundred pounds. This they justly complained of as a great breach of trust, and attribute to it several losses and disappointments he met with in his intended voyage, which frightened him, and made him also look upon them as the punishment of his perfidy and to relinquish his claim. I do not find that those who employed him reaped any benefit from the grant. After they had their patent in 1629, they were easy until the restoration; but when Connecticut and Rhode Island, who held their lands, or most of them, under patents from the council of Plymouth, thought it necessary to solicit and had obtained a royal confirmation and charter, giving authority to govern, New Plymouth solicited also, but they were rather too late. The court began to be jealous of the colonists. Such sort of charters as had been granted, etc them, it was said, too much to themselves; and although they were not peremptorily refused, they were put off from time to time, and told that the only difficulty was to settle such a form of government as should secure their dependence as a colony, and should nevertheless afford to them liberties and privileges to their satisfaction.

This was no easy matter for both sides to agree upon. This state of suspense made the colony more pliable and obsequious than their neighbours of Massachusetts, and particularly, when the commissioners from king Charles came to New England in 1664, Plymouth submitted to their determination a controversy between that colony and Rhode Island about bounds, and gave satisfactory answers to the several queries proposed to them.* They received a very gracious letter from the king, but all ended in *bona verba*. We can easily conceive of a parent State growing every day more and more popular in its government, and nevertheless at the same time restraining the liberties of its colonies for the sake of continuing the connexion; but when there is a scheme of establishing absolute power in the parent State, how can it be expected that popular governments should be established in the colonies? However, no advantage was ever taken of their want of authority, and their proceedings were connived at until the general shipwreck of charters in 1684, when an arbitrary government was established in the other colonies, and they could not expect to escape. All their hopes being at an end, they made as loud complaints of oppression, under Andros, as any people of his government, and perhaps with as much reason, and when the people of Massachusetts imprisoned him and re-assumed their charter, Plymouth assumed their old form of government also. Now it was that they first sensibly found the want of a charter. Connecticut and Rhode Island, who had resigned their charters, were justified, by the example of the corporations in England, in assuming them again, but Plymouth had none to assume. Their first attempt was to procure a charter and to continue a distinct government. In this they could not succeed. Perhaps, if it had been solicited in the best manner, they might have succeeded, but interior divisions prevented any proper measures being pursued. Mr. Hinkley, their governor, wrote to Mr. Mather, the Massachusetts agent, to desire him to solicit in their behalf, but the people refused to advance any money, and so small a sum as two hundred pounds sterling could not be raised. The inhabitants of some of the principal towns subscribed, upon condition the whole sum should be raised, and some of the towns refusing, the whole subscription failed. Such was the effect of their divisions, that neither party would acknowledge the authority of the government when any act passed which they did not approve of. Mr. Wiswall, one of their ministers, by advice of some gentlemen in Boston, went to England; but having no commission, and, which is more fatal to those who have affairs at court, no money, he never could make a public appearance, and served only to give offence to the ministry by offering exceptions to the proposal of joining Plymouth to Massachusetts, and occasioned their being annexed to New York. It is said they were taken out of Slaughter's commission by Mr. Mather's interest. Slaughter arrived at New York the year before Phips arrived in Massachusetts, and sent his orders, copy of which I have seen, to Little Compton, in Plymouth colony, in terms as high and authoritative as if he had been their governor or depended upon being such, so that their junction with New York seemed rather suspended than superseded until they were actually included in Massachusetts.

We certainly are not in a proper temper when, because we cannot obtain all which we think of right belongs to us, we are indifferent whether

We retain any part of it. I dare say there is not a man in the colony of Plymouth at this day, who does not think it a most happy circumstance that they were annexed to Massachusetts rather than to New York. And although at first there might be jealousies of unequal distinctions, upon some occasions, in favour of Massachusetts, yet they have long since been at an end, and the customs, manners and religious opinions of the two colonies being much the same, they mutually consider themselves as having one joint general interest, as fully in all respects as if they had been one colony from the beginning.

No. II.

November, 1637.

The Examination of Mrs. Ann Hutchinson at the court at Newtown.

Mr. Winthrop, governor. MRS. Hutchinson, you are called here as one of those that have troubled the peace of the Commonwealth and the churches here; you are known to be a woman that hath had a great share in the promoting and divulging of those opinions that are causes of this trouble, and to be nearly joined not only in affinity and affection with some of those the court hath taken notice of and passed censure upon, but you have spoken divers things, as we have been informed, very prejudicial to the honour of the churches and ministers thereof; and you have maintained a meeting and an assembly in your house that hath been condemned by the general assembly as a thing not tolerable nor comely in the sight of God nor fitting for your sex; and notwithstanding that was cried down, you have continued the same; therefore we have thought good to send for you to understand how things are, that if you be in an erroneous way we may reduce you, that so you may become a profitable member here among us, otherwise if you be obstinate in your course, that then the court may take such course that you may trouble us no further; therefore I would entreat you to express whether you do not hold and assent in practice to those opinions and factions that have been handled in court already, that is to say, whether you do not justify Mr. Wheelwright's sermon and the petition.

Mrs. Hutchinson. I am called here to answer before you, but I hear no things laid to my charge.

Gov. I have told you some already, and more I can tell you.

Mrs. H. Name one, Sir.

Gov. Have I not named some already?

Mrs. H. What have I said or done?

Gov.

Gov. Why for your doings, this you did, harbour and countenance those that are parties in this faction that you have heard of.

Mrs. H. That's matter of conscience, Sir.

Gov. Your conscience you must keep, or it must be kept for you.

Mrs H. Must not I then entertain the saints because I must keep my conscience ?

Gov. Say that one brother should commit felony or treason and come to his other brother's house, if he knows him guilty and conceals him, he is guilty of the same. It is his conscience to entertain him, but if his conscience comes into act in giving countenance and entertainment to him that hath broken the law, he is guilty too. So if you do countenance those that are transgressors of the law, you are in the same fact.

Mrs. H. What law do they transgress ?

Gov. The law of God and of the State.

Mrs. H. In what particular ?

Gov. Why in this among the rest, whereas the Lord doth say, Honour thy father and thy mother.

Mrs. H. Ey Sir in the Lord:

Gov. This honour you have broke in giving countenance to them.

Mrs. H. In entertaining those did I entertain them against any act (for there is the thing) or what God hath appointed ?

Gov. You knew that Mr. Wheelwright did preach this sermon, and those that countenance him in this do break a law.

Mrs. H. What law have I broken ?

Gov. Why the fifth commandment.

Mrs. H. I deny that for he faith in the Lord.

Gov. You have joined with them in the faction.

Mrs. H. In what faction have I joined with them ?

Gov. In presenting the petition.

Mrs. H. Suppose I had set my hand to the petition, what then ?

Gov. You saw that case tried before.

Mrs. H. But I had not my hand to the petition.

Gov. You have counselled them.

Mrs. H. Wherein ?

Gov. Why in entertaining them.

Mrs. H. What breach of law is that, Sir ?

Gov. Why dishonouring of parents.

Mrs. H. But put the case, Sir, that I do fear the Lord and my parents, may not I entertain them that fear the Lord because my parents will not give me leave ?

Gov. If they be the fathers of the Commonwealth, and they of another religion, if you entertain them then you dishonour your parents and are justly punishable.

Mrs. H. If I entertain them, as they have dishonoured their parents I do.

Gov. No, but you, by countenancing them above others, put honour upon them.

Mrs. H. I may put honour upon them as the children of God, and as they do honour the Lord.

Gov. We do not mean to discourse with those of your sex but only this ;

this; you do adhere unto them, and do endeavour to set forward this faction, and so you do dishonour us.

Mrs. H. I do acknowledge no such thing, neither do I think that I ever put any dishonour upon you.

Gov. Why do you keep such a meeting at your house as you do every week upon a set day?

Mrs. H. It is lawful for me so to do, as it is all your practices; and can you find a warrant for yourself, and condemn me for the same thing? The ground of my taking it up was, when I first came to this land because I did not go to such meetings as those were, it was presently reported that I did not allow of such meetings, but held them unlawful, and therefore in that regard they said I was proud and did despise all ordinances; upon that a friend came unto me and told me of it, and I to prevent such aspersions took it up, but it was in practice before I came, therefore I was not the first.

Gov. For this, that you appeal to our practice, you need no confutation. If your meeting had answered to the former it had not been offensive, but I will say that there was no meeting of women alone, but your meeting is of another sort, for there are sometimes men among you.

Mrs. H. There was never any man with us.

Gov. Well, admit there was no man at your meeting and that you was sorry for it, there is no warrant for your doings, and by what warrant do you continue such a course?

Mrs. H. I conceive there lies a clear rule in Titus, that the elder women should instruct the younger, and then I must have a time wherein I must do it.

Gov. All this I grant you; I grant you a time for it; but what is this to the purpose, that you, Mrs. Hutchinson, must call a company together from their callings to come to be taught of you?

Mrs. H. Will it please you to answer me this, and to give me a rule, for then I will willingly submit to any truth. If any come to my house to be instructed in the ways of God, what rule have I to put them away?

Gov. But suppose that a hundred men come unto you to be instructed, will you forbear to instruct them?

Mrs. H. As far as I conceive I cross a rule in it.

Gov. Very well, and do you not so here?

Mrs. H. No, Sir, for my ground is they are men.

Gov. Men and women all is one for that; but suppose that a man should come and say, Mrs. Hutchinson, I hear that you are a woman that God hath given his grace unto, and you have knowledge in the word of God, I pray instruct me a little; ought you not to instruct this man?

Mrs. H. I think I may. — Do you think it not lawful for me to teach women, and why do you call me to teach the court?

Gov. We do not call you to teach the court, but to lay open yourself.

Mrs. H. I desire you that you would then set me down a rule by which I may put them away that come unto me, and so have peace in so doing.

Gov. You must shew your rule to receive them.

Mrs. H. I have done it.

Gov. I deny it, because I have brought more arguments than you have.

Mrs. H. I say, to me it is a rule.

Mr. Endicot. You say there are some rules unto you. I think there is a contradiction in your own words. What rule for your practice do you bring, only a custom in Boston.

Mrs. H. No, Sir, that was no rule to me, but if you look upon the rule in Titus it is a rule to me. If you convince me that it is no rule I shall yield.

Gov. You know that there is no rule that crosses another, but this rule crosses that in the Corinthians. But you must take it in this sense, that elder women must instruct the younger about their business, and to love their husbands, and not to make them to clash.

Mrs. H. I do not conceive but that it is meant for some public times.

Gov. Well, have you no more to say but this?

Mrs. H. I have said sufficient for my practice.

Gov. Your course is not to be suffered for, besides that we find such a course as this to be greatly prejudicial to the State, besides the occasion that it is to seduce many honest persons that are called to those meetings, and your opinions being known to be different from the word of God may seduce many simple souls that resort unto you, besides that the occasion which hath come of late hath come from none but such as have frequented your meetings, so that now they are flown off from magistrates and ministers, and this since they have come to you, and besides that it will not well stand with the Commonwealth, that families should be neglected for so many neighbours and dames and so much time spent, we see no rule of God for this, we see not that any should have authority to set up any other exercises besides what authority hath already set up, and so what hurt comes of this you will be guilty of, and we for suffering you.

Mrs. H. Sir, I do not believe that to be so.

Gov. Well, we see how it is, we must therefore put it away from you, or restrain you from maintaining this course.

Mrs. H. If you have a rule for it from God's word you may.

Gov. We are your judges, and not you ours, and we must compel you to it.

Mrs. H. If it please you by authority to put it down I will freely let you, for I am subject to your authority.

*Mr. Bradstreet.** I would ask this question of Mrs. Hutchinson, whether you do think this is lawful? for then this will follow, that all other women that do not are in a sin.

Mrs. H. I conceive this is a free-will offering.

Bradst. If it be a free-will offering you ought to forbear it, because it gives offence.

Mrs. H. Sir, in regard of myself I could, but for others I do not yet see light, but shall further consider of it.

Bradst. I am not against all women's meetings, but do think them to be lawful.

Mr. Dudley, dep. gov. Here hath been much spoken concerning Mrs. Hutchinson's meetings, and among other answers, the faith that men come

not

* One of the assistants.

not there ; I would ask you this one question then, whether never any man was at your meeting ?

Gov. There are two meetings kept at their house.

Dep. gov. How ? Is there two meetings ?

Mrs. H. Ey Sir, I shall not equivocate, there is a meeting of men and women, and there is a meeting only for women.

Dep. gov. Are they both constant ?

Mrs. H. No, but upon occasions they are deferred.

*Mr. Endicot.** Who teaches in the men's meetings, none but men, do not women sometimes ?

Mrs. H. Never as I heard, not one.

Dep. gov. I would go a little higher with Mrs. Hutchinson. About three years ago we were all in peace. Mrs. Hutchinson, from that time she came, hath made a disturbance, and some that came over with her in the ship did inform me what she was as soon as she was landed. I being then in place dealt with the pastor and teacher of Boston, and desired them to inquire of her, and then I was satisfied that she held nothing different from us ; but within half a year after, she had vented divers of her strange opinions and had made parties in the country, and at length it comes that Mr. Cotton and Mr. Vane were of her judgment ; but Mr. Cotton hath cleared himself that he was not of that mind ; but now it appears by this woman's meeting that Mrs. Hutchinson hath so foretold the minds of many by their resort to her meeting that now she hath a potent party in the country. Now, if all these things have endangered us as from that foundation, and if she in particular hath disparaged all our ministers in the land that they have preached a covenant of works, and only Mr. Cotton a covenant of grace, why this is not to be suffered, and therefore being driven to the foundation, and it being found that Mrs. Hutchinson is she that hath depraved all the ministers and hath been the cause of what is fallen out, why we must take away the foundation and the building will fall.

Mrs. H. I pray, Sir, prove it that I said they preached nothing but a covenant of works.

Dep. gov. Nothing but a covenant of works ? why a Jesuit may preach truth sometimes.

Mrs. H. Did I ever say they preached a covenant of works then ?

Dep. gov. If they do not preach a covenant of grace clearly, then they preach a covenant of works.

Mrs. H. No, Sir, one may preach a covenant of grace more clearly than another ; so I said.

Dep. gov. We are not upon that now, but upon position.

Mrs. H. Prove this then, Sir, that you say I said.

Dep. gov. When they do preach a covenant of works do they preach truth ?

Mrs. H. Yes, Sir, but when they preach a covenant of works for salvation, that is not truth.

Dep. gov. I do but ask you this, when the ministers do preach a covenant of works do they preach a way of salvation ?

Mrs. H. I did not come hither to answer to questions of that sort.

Dep. gov. Because you will deny the thing.

Mrs. H. Ey, but that is to be proved first.

Dep. gov. I will make it plain that you did say that the ministers did preach a covenant of works.

Mrs. H. I deny that.

Dep. gov. And that you said they were not able ministers of the New Testament, but Mr. Cotton only.

Mrs. H. If ever I spake that I proved it by God's word.

Court. Very well, very well.

Mrs. H. If one shall come unto me in private, and desire me seriously to tell them what I thought of such an one—I must either speak false or true in my answer.

Dep. gov. Likewise I will prove this, that you said the gospel in the letter and words holds forth nothing but a covenant of works, and that all that do not hold as you do are in a covenant of works.

Mrs. H. I deny this, for if I should so say I should speak against my own judgment.

Mr. Endicott. I desire to speak, seeing Mrs. Hutchinson seems to lay something against them that are to witness against her.

Gov. Only I would add this. It is well discerned to the court that Mrs. Hutchinson can tell when to speak and when to hold her tongue. Upon the answering of a question which we desire her to tell her thoughts of she desires to be pardoned.

Mrs. H. It is one thing for me to come before a public magistracy and there to speak what they would have me to speak, and another when a man comes to me in a way of friendship privately, there is difference in that.

Gov. What if the matter be all one?

*Mr. Hugh Peters.** That which concerns us to speak unto as yet we are sparing in, unless the court command us to speak; then we shall answer to Mrs. Hutchinson, notwithstanding our brethren are very unwilling to answer.

Gov. This speech was not spoken in a corner, but in a public assembly; and though things were spoken in private, yet now coming to us, we are to deal with them as public.

Mr. Peters. We shall give you a fair account of what was said, and desire that we may not be thought to come as informers against the gentlewoman, but as it may be serviceable for the country and our posterity to give you a brief account. This gentlewoman went under suspicion, not only from her landing, that she was a woman not only difficult in her opinions, but also of an intemperate spirit. What was done at her landing I do not well remember, but as soon as Mr. Vane and ourselves came this controversy began, yet it did reflect upon Mrs. Hutchinson, and some of our brethren had dealt with her; and it so fell out that some of our ministry doth suffer as if it were not according to the gospel, and as if we taught a covenant of works instead of a covenant of grace. Upon these and the like we did address ourselves to the teacher of that church, and the court then assembled being sensible of these things, and this gentlewoman being as we understood a chief agent, our desire to the teacher was

* Minister of Salem, afterwards famous in England.

to tell us wherein the difference lay between him and us, for the spring did then arise as we did conceive from this gentlewoman, and so we told him. He said that he thought it not according to God to command this to the magistrates, but to take some other course, and so going on in the discourse we thought it good to send for this gentlewoman, and she willingly came, and at the very first we gave her notice that such reports there were that she did conceive our ministry to be different from the ministry of the gospel, and that we taught a covenant of works, &c. and this was her table talk, and therefore we desired her to clear herself and deal plainly. She was very tender at the first. Some of our brethren did desire to put this upon proof, and then her words upon that were—The fear of man is a snare, why should I be afraid? These were her words. I did then take upon me to ask her this question. What difference do you conceive to be between your teacher and us? She did not request us that we should preserve her from danger, or that we should be silent. Briefly, sic told me there was a wide and broad difference between our brother Mr. Cotton and ourselves. I desired to know the difference. She answered that he preaches the covenant of grace and you the covenant of works, and that you are not able ministers of the New Testament, and know no more than the apostles did before the resurrection of Christ. I did then put it to her, What do you conceive of such a brother? She answered he had not the seal of the Spirit. And other things we asked her, but generally the frame of her course was this, that she did conceive that we were not able ministers of the gospel. And that day being past, our brother Cotton was sorry that she should lay us under a covenant of works, and could have wished she had not done so. The elders being there present we did charge them with her, and the teacher of the place said they would speak further with her, and after some time she answered that we were gone as far as the apostles were before Christ's ascension. And since that we have gone with tears some of us to her.

Mrs. H. If our pastor would shew his writings you should see what I said, and that many things are not so as is reported.

*Mr. Wilson.** Sister Hutchinson, for the writings you speak of I have them not, and this I must say, I did not write down all that was said and did pass betwixt one and another, yet I say what is written I will avouch.

Dep. gov. I desire that the other elders will say what Mr. Peters hath said.

Mr. Weld.† Being desired by the honoured court, that which our brother Peters hath spoken was the truth, and things were spoken as he hath related, and the occasion of calling this sister and the passages that were there among us. And myself asking why she did cast such aspersions upon the ministers of the country, though we were poor sinful men, and for ourselves we cared not, but for the precious doctrine we held forth we could not but grieve to hear that so blasphemed. She at that time was sparing in her speech. I need not repeat the things, they have been truly related. She said the fear of man is a snare and therefore I will speak freely, and she spake her judgment and mind freely as was before related, that Mr. Cotton did preach a covenant of grace and we a covenant of works.

And

* Pastor or one of the ministers of Boston.

† Minister of Roxbury. He wrote the history of antinomianism.

And this I remember she said, we could not preach a covenant of grace because we were not sealed, and we were not able ministers of the New Testament, no more than were the disciples before the resurrection of Christ.

*Mr. Phillips.** For my own part I have had little to do in these things, only at that time I was there, and yet not being privy to the ground of that which our brother Peters hath mentioned, but they procuring me to go along with them, telling me that they were to deal with her; at first she was unwilling to answer, but at length she said there was a great deal of difference between Mr. Cotton and we. Upon this Mr. Cotton did say that he could have wished that she had not put that in. Being asked of particulars, she did instance in Mr. Shephard that he did not preach a covenant of grace clearly, and she instanced our brother Weld. Then I asked her of myself (being she spake rashly of them all) because she never heard me at all. She likewise said that we were not able ministers of the New Testament, and her reason was because we were not sealed.

Mr. Simmes.† For my own part, being called to speak in this case to discharge the relation wherein I stand to the Commonwealth and that which I stand in unto God, I shall speak briefly. For my acquaintance with this person I had none in our native country, only I had occasion to be in her company once or twice before I came, where I did perceive that she did slight the ministers of the word of God. But I came along with her in the ship, and it so fell out that we were in the great cabin together, and therein did agree with the labours of Mr. Lothrop and myself, only there was a secret opposition to things delivered. The main thing that was then in hand was about the evidencing of a good estate, and among the rest about that place in John concerning the love of the brethren. That which I took notice of was the corruptness and narrowness of her opinions, which I doubt not but I may call them so; but she said, when she came to Boston there would be something more seen than I said, for such speeches were cast about and abused as that of our Saviour, I have many things to say, but you cannot bear them now. And being come, and she desiring to be admitted a member, I was desired to be there, and then Mr. Cotton did give me full satisfaction in the things then in question. And for things which have been here spoken, as far as I can remember, they are the truth, and when I asked her what she thought of me, she said, Alas, you know my mind long ago; yet I do not think myself disparaged by her testimony; and I would not trouble the court, only this one thing I shall put in, that Mr. Dudley and Mr. Haines were not wanting in the cause after I had given notice of her.

Mr. Wilson. I desire you would give me leave to speak this word, because of what has been said concerning her entrance into the church. There was some difficulty made, but in her answers she gave full satisfaction to our teacher and myself, and for point of evidencing justification by sanctification she did not deny, but only justification must be first. Our teacher told her then, that if she was of that mind she would take away the scruple; for we thought that matter, for point of order we did not greatly stand upon, because we hoped she would hold with us in that truth as well as the other.

Mr.

* Minister of Watertown.

† Minister of Charlestown.

*Mr. Shephard.** I am loth to speak in this assembly concerning this gentlewoman in question, but I can do no less than speak what my conscience speaks unto me. For personal reproaches I take it a man's wisdom to conceal. Concerning the reproaches of the ministry of ours there hath been many in the country, and this hath been my thoughts of that. Let men speak what they will, not only against persons but against ministry, let that pass; but let us strive to speak to the consciences of men, knowing that if we had the truth with us we shall not need to approve our words by our practice and our ministry to the hearts of the people, and they should speak for us, and therefore I have satisfied myself and the brethren with that. Now for that which concerns this gentlewoman at this time, I do not well remember every particular, only this I do remember, that the end of our meeting was to satisfy ourselves in some points. Among the rest, Mrs. Hutchinson was desired to speak her thoughts concerning the ministers of the Bay. Now I remember that she said that we were not able ministers of the New Testament. I followed her with particulars; she instanced myself, as being at the lecture and hearing me preach when as I gave some means whereby a Christian might come to the assurance of God's love. She instanced that I was not sealed. I said why did she say so. She said, because you put love for an evidence. Now I am sure she was in an error in this speech, for if assurance be a holy estate, then I am sure there are not graces wanting to evidence it.

Mr. Eliot.† I am loth to spend time, therefore I shall consent to what hath been said. Our brethren did entreat us to write, and a few things I did write, the substance of which hath been here spoken, and I have it in writing, therefore I do avouch it.

Mr. Shephard. I desire to speak this word, it may be but a slip of her tongue, and I hope she will be sorry for it, and then we shall be glad of it.

Dep. gov. I called these witnesses, and you deny them. You see they have proved this, and you deny this; but it is clear. You said they preached a covenant of works, and that they were not able ministers of the New Testament; now there are two other things that you did affirm, which were, that the scriptures in the letter of them held forth nothing but a covenant of works, and likewise that those that were under a covenant of works cannot be saved.

Mrs. H. Prove that I said so.

Gov. Did you say so?

Mrs. H. No, Sir, it is your conclusion.

Dep. gov. What do I do charging of you, if you deny what is so fully proved.

Gov. Here are six undeniable ministers who say it is true, and yet you deny that you did say that they did preach a covenant of works and that they were not able ministers of the gospel, and it appears plainly that you have spoken it; and whereas you say that it was drawn from you in a way of friendship, you did profess then that it was out of conscience that you spake and said, The fear of man is a snare, wherefore should I be afraid? I will speak plainly and freely.

Mrs.

* Minister of Cambridge.

† Minister of Roxbury.

Mrs. H. That I absolutely deny, for the first question was thus answered by me to them. They thought that I did conceive there was a difference between them and Mr. Cotton. At the first I was somewhat reserved, then said Mr. Peters, I pray answer the question directly, as fully and as plainly as you desire we should tell you our minds. *Mrs. Hutchinson*, we come for plain dealing, and telling you our hearts. Then I said I would deal as plainly as I could ; and whereas they say I said they were under a covenant of works and in the state of the apostles, why these two speeches cross one another. I might say they might preach a covenant of works as did the apostles, but to preach a covenant of works and to be under a covenant of works is another business.

Dep. gov. There have been six witnesses to prove this, and yet you deny it.

Mrs. H. I deny that these were the first words that were spoken.

Gov. You make the case worse, for you clearly shew that the ground of your opening your mind was not to satisfy them, but to satisfy your own conscience.

Mr. Peters. We do not desire to be so narrow to the court and the gentlewoman about times and seasons, whether first or after, but said it was.

Dep. gov. For that other thing I mentioned, for the letter of the scripture that it held forth nothing but a covenant of works, and for the latter that we are in a state of damnation, being under a covenant of works, or to that effect, these two things you also deny. Now the case stands thus. About three quarters of a year ago I heard of it, and speaking of it, there came one to me who is not here, but will affirm it if need be, as he did to me, that he did hear you say in so many words. He set it down under his hand, and I can bring it forth when the court pleases. His name is subscribed to both these things, and upon my peril be it if I bring you not in the paper and bring the minister (meaning Mr. Ward) to be deposed.

Gov. What say you to this ; though nothing be directly proved yet you hear it may be.

Mrs. H. I acknowledge using the words of the apostle to the Corinthians unto him, that they that were ministers of the letter and not the Spirit did preach a covenant of works. Upon his saying there was no such scripture, then I fetched the bible and shewed him this place, 2 Cor. iii. 6. He said that was the letter of the law. No, said I, it is the letter of the gospel.

Gov. You have spoken this more than once then.

Mrs. H. Then upon further discourse about proving a good estate, and holding it out by the manifestation of the Spirit, he did acknowledge that to be the nearest way ; but yet, said he, will you not acknowledge that which we hold forth to be a way too wherein we may have hope ; no, truly, if that be a way, it is a way to hell.

Gov. Mrs. Hutchinson, the court you see hath laboured to bring you to acknowledge the error of your way, so that you might be reduced ; the time now grows late ; we shall therefore give you a little more time to consider of it, and therefore desire that you attend the court again in the morning.

THE NEXT MORNING.

Gov. We proceeded the last night as far as we could in hearing of this cause of Mrs. Hutchinson. There were divers things laid to her charge, her ordinary meetings about religious exercises, her speeches in derogation of the ministers among us, and the weakening of the hands and hearts of the people towards them. Here was sufficient proof made of that which she was accused of in that point concerning the ministers and their ministry, as that they did preach a covenant of works when others did preach a covenant of grace, and that they were not able ministers of the New Testament, and that they had not the seal of the Spirit; and this was spoken not as was pretended out of private conference, but out of conscience and warrant from scripture, alleged the fear of man is a snare, and seeing God had given her a calling to it she would freely speak. Some other speeches she used, as that the letter of the scripture held forth a covenant of works, and this is offered to be proved by probable grounds. If there be any thing else that the court hath to say they may speak.

Mrs. H. The ministers come in their own cause. Now the Lord hath said that an oath is the end of all controversy; though there be a sufficient number of witnesses yet they are not according to the word, therefore I desire they may speak upon oath.

Gov. Well, it is in the liberty of the court whether they will have an oath or no, and it is not in this case as in case of a jury. If they be satisfied they have sufficient matter to proceed.

Mrs. H. I have since I went home perused some notes out of what Mr. Wilson did then write, and I find things not to be as hath been alleged.

Gov. Where are the writings?

Mrs. H. I have them not, it may be Mr. Wilson hath.

Gov. What are the instructions that you can give, Mr. Wilson?

Mr. Wilson. I do say that Mr. Vane desired me to write the discourse out, and whether it be in his own hands or in some body's else I know not. For my own copy it is somewhat imperfect, but I could make it perfect with a little pains.

Gov. For that which you allege as an exception against the elders it is vain and untrue, for they are no prosecutors in this cause, but are called to witness in the cause.

Mrs. H. But they are witnesses of their own cause.

Gov. It is not their cause, but the cause of the whole country, and they were unwilling that it should come forth, but that it was the glory and honour of God.

Mrs. H. But it being the Lord's ordinance that an oath should be the end of all strife, therefore they are to deliver what they do upon oath.

Mr. Bradstreet. Mrs. Hutchinson, these are but circumstances and adjuncts to the cause; admit they should mistake you in your speeches, you would make them to sin if you urge them to swear.

Mrs. H. That is not the thing. If they accuse me I desire it may be upon oath.

Gov. If the court be not satisfied they may have an oath.

*Mr. Nowel.** I should think it convenient that the country also should be satisfied, because that I do hear it affirmed, that things which were

* An affiant.

were spoken in private are carried abroad to the public, and thereupon they do undervalue the ministers of congregations.

*Mr. Brown.** I desire to speak. If I mistake not, an oath is of a high nature, and it is not to be taken but in a controversy, and for my part I am afraid of an oath, and fear that we shall take God's name in vain, for we may take the witness of these men without an oath.

Mr. Endicot. I think the ministers are so well known unto us, that we need not take an oath of them, but indeed an oath is the end of all strife.

Mrs. H. There are some that will take their oaths to the contrary.

Mr. Endicot. Then it shall go under the name of a controversy, therefore we desire to see the notes and those also that will swear.

Gov. Let those that are not satisfied in the court speak.

Many say—We are not satisfied.

Gov. I would speak this to Mrs. Hutchinson. If the ministers shall take an oath will you sit down satisfied?

Mrs. H. I can't be, notwithstanding oaths, satisfied against my own conscience.

Mr. Stoughton.† I am fully satisfied with this that the ministers do speak the truth, but now in regard of censure I dare not hold up my hand to that, because it is a course of justice, and I cannot satisfy myself to proceed so far in a way of justice, and therefore I should desire an oath in this as in all other things. I do but speak to prevent offence if I should not hold up my hand at the censure, unless there be an oath given.

Mr. Peters. We are ready to swear if we see a way of God in it.

[Here was a parley between the deputy governor and Mr. Stoughton about the oath.]

Mr. Endicot. If they will not be satisfied with a testimony, an oath will be in vain.

Mr. Stoughton. I am persuaded that Mrs. Hutchinson and many other godly-minded people will be satisfied without an oath.

Mrs. H. An oath, Sir, is an end of all strife, and it is God's ordinance.

Mr. Endicot. A sign it is what respect she hath to their words; and further, pray see your argument, you will have the words that were written, and yet Mr. Wilson saith he writ not all, and now you will not believe all these godly ministers without an oath.

Mrs. H. Mr. Wilson did affirm that which he gave in to the governor that then was to be true.

Some reply—But not all the truth.

Mr. Wilson. I did say so far as I did take them they were true.

Mr. Harlakenden.‡ I would have the spectators take notice that the court doth not suspect the evidence that is given in, though we see that whatever evidence is brought in will not satisfy, for they are resolved upon the thing, and therefore I think you will not be unwilling to give your oaths.

Gov. I see no necessity of an oath in this thing, seeing it is true and the substance of the matter confirmed by divers; yet that all may be satisfied, if the elders will take an oath they shall have it given them.

Dep. gov. Let us join the things together, that Mrs. Hutchinson may see what they have their oaths for.

Mrs.

* A deputy for Watertown and a ruling elder there.

† An assistant.

‡ An assistant.

Mrs. H. I will prove by what Mr. Wilson hath written that they never heard me say such a thing.

Mr. Sims. We desire to have the paper and have it read.

Mr. Harlakenden. I am persuaded that is the truth that the elders do say, and therefore I do not see it necessary now to call them to oath.

Gov. We cannot charge any thing of untruth upon them.

Mr. Harlakenden. Besides, Mrs. Hutchinson doth say that they are not able ministers of the New Testament.

Mrs. H. They need not swear to that.

Dep. gov. Will you confess it then?

Mrs. H. I will not deny it nor say it.

Dep. gov. You must do one.

Mrs. H. After that they have taken an oath, I will make good what I say.

Gov. Let us state the case, and then we may know what to do. That which is laid to Mrs. Hutchinson's charge is this, that she hath traduced the magistrates and ministers of this jurisdiction, that she hath said the ministers preached a covenant of works and Mr. Cotton a covenant of grace, and that they were not able ministers of the gospel, and she excuses it that she made it a private conference and with a promise of secrecy, &c.—now this is charged upon her, and they therefore sent for her, seeing she made it her table talk, and then she said the fear of man was a snare, and therefore she would not be afraid of them.

Mrs. H. This that yourself hath spoken, I desire that they may take their oaths upon.

Gov. That that we should put the reverend elders unto is this, that they would deliver upon oath that which they can remember themselves.

Mr. Shephard. I know no reason of the oath but the importunity of this gentlewoman.

Mr. Endicott. You lifted up your eyes as if you took God to witness that you came to entrap none, and yet you will have them swear.

Mr. Harlakenden. Put any passage unto them and see what they say.

Mrs. H. They say I said the fear of man is a snare, why should I be afraid? When I came unto them, they urging many things unto me and I being backward to answer at first, at length this scripture came into my mind, xx sixth of Prov. 15. "The fear of man bringeth a snare, but whoso putteth his trust in the Lord shall be safe."

Mr. Harlakenden. This is not an essential thing.

Gov. I remember his testimony was this.

Mrs. H. Ey, that was the thing that I do deny, for they were my words, and they were not spoken at the first as they do allege.

Mr. Peters. We cannot tell what was first or last, we suppose that an oath is an end of all strife, and we are tender of it; yet this is the main thing against her, that she charged us to be unable ministers of the gospel, and to preach a covenant of works.

Gov. You do understand the thing, that the court is clear, for we are all satisfied that it is truth, but because we would take away all scruples, we desire that you would satisfy the spectators by your oath.

*Mr. Bijbop.** I desire to know before they be put to oath, whether their testimony be of validity.

* One of the deputies or representatives.

Dep. gov. What do you mean to trouble the court with such questions? Mark what a flourish Mrs. Hutchinson puts upon the business that she had witnesses to disprove what was said, and here is no man to bear witness.

Mrs. H. If you will not call them in that is nothing to me.

Mr. Eliot. We desire to know of her and her witnesses what they deny, and then we shall speak upon oath. I know nothing we have spoken of but we may swear to.

Mr. Sims. Ey, and more than we have spoken to.

Mr. Stoughton. I would gladly that an oath should be given, that so the person to be condemned should be satisfied in her conscience, and I would say the same for my own conscience if I should join in the censure
—*Two or three lines in the MS are defaced and not legible.*

*Mr. Coggeshall.** I desire to speak a word—It is desired that the elders would confer with Mr. Cotton before they swear.

Gov. Shall we not believe so many godly elders in a cause wherein we know the mind of the party without their testimony?

Mr. Endicot to Mr. Coggeshall. I will tell you what I say. I think that this carriage of yours tends to further casting dirt upon the face of the judges.

Mr. Harlakenden. Her carriage doth the same, for she doth not object any essential thing, but she goes upon circumstances and yet would have them sworn.

Mrs. H. This I would say unto them. Forasmuch as it was affirmed by the deputy that he would bring proof of these things, and the elders they bring proof in their own cause, therefore I desire that particular witnesses be for these things that they do speak.

Gov. The elders do know what an oath is, and as it is an ordinance of God so it should be used.

Mrs. H. That is the thing I desire, and because the deputy spake of witnesses I have them here present.

Mr. Colborn.† We desire that our teacher may be called to hear what is said. [Upon this Mr. Cotton came and sat down by Mrs. Hutchinson.]

Mr. Endicot. This would cast some blame upon the ministers—Well, but whatsoever he will or can say we will believe the ministers.

Mr. Eliot and Mr. Shephard. We desire to see light why we should take an oath.

Mr. Stoughton. Why it is an end of all strife, and I think you ought to swear and put an end to the matter.

Mr. Peters. Our oath is not to satisfy Mrs. Hutchinson but the court.

Mr. Endicot. The assembly will be satisfied by it.

Dep. gov. If the country will not be satisfied you must swear.

Mr. Shephard. I conceive the country doth not require it.

Dep. gov. Let her witnesses be called.

Gov. Who be they?

Mrs. H. Mr. Leveret and our teacher and Mr. Coggeshall.

Gov. Mr. Coggeshall was not present.

Mr. Coggeshall. Yes but I was, only I desired to be silent till I should be called.

Gov.

* One of the deputies for Boston.

† A deputy for Boston and a ruling elder in the church.

Gov. Will you, Mr. Coggeshall, say that she did not say so?

Mr. Coggeshall. Yes, I ~~doe~~ say that she did not say all that which they lay against her.

Mr. Peters. How dare you look into the court to say such a word?

Mr. Coggeshall. Mr. Peters takes upon him to forbid me. I shall be silent.

Mr. Stoughton. Ey, but she intended this that they say.

Gov. Well, Mr. Leveret, what were the words? I pray speak.

*Mr. Leveret.** To my best remembrance when the elders did send for her, Mr. Peters did with much vehemency and entreaty urge her to tell what difference there was between Mr. Cotton and them, and upon his urging of her she said—The fear of man is a snare, but they that trust upon the Lord shall be safe. And being asked wherein the difference was, she answered, that they did not preach a covenant of grace so clearly as Mr. Cotton did, and she gave this reason of it, because that as the apostles were for a time without the Spirit, so ~~till~~ they had received the witness of the Spirit they could not preach a covenant of grace so clearly.

Gov. Don't you remember that she said they were not able ministers of the New Testament?

Mrs. H. Mr. Weld and I had an hour's discourse at the window, and then I spake that, if I spake it.

Mr. Weld. Will you affirm that in the court? Did not I say unto you, Mrs. Hutchinson, before the elders. When I produced the thing, you then called for proof. Was not my answer to you, leave it there, and if I cannot prove it you shall be blamed?

Mrs. H. This I remember I spake, but do not you remember that I came afterwards to the window when you was writing and there spake unto you?

Mr. Weld. No truly.

Mrs. H. But I do very well.

Gov. Mr. Cotton, the court desires that you declare what you do remember of the conference which was at that time and is now in question.

Mr. Cotton.† I did not think I should be called to bear witness in this cause and therefore did not labour to call to remembrance what was done; but the greatest passage that took impression upon me was to this purpose. The elders spake that they had heard that she had spoken some condemning words of their ministry, and among other things they did first pray her to answer wherein she thought their ministry did differ from mine; how the comparison sprang I am ignorant, but sorry I was that any comparison should be between me and my brethren, and uncomfortable it was; she told them to this purpose that they did not hold forth a covenant of grace as I did, but wherein did we differ? Why she said that they did not hold forth the seal of the Spirit as he doth. Where is the difference there? say they. Why, saith she, speaking to one or other of them, I know not to whom—You preach of the seal of the Spirit upon a work, and he upon free grace without a work, or without respect to a work; he preaches the seal of the Spirit upon free grace and you upon a work. I told her I was very sorry that she put comparisons between my ministry

and

* A ruling elder in Boston church.

† Teacher of Boston church.

and theirs, for she had said more than I could myself, and rather I had that she had put us in fellowship with them and not have made that discrepancy. She said, she found the difference. Upon that there grew some speeches upon the thing, and I do remember I instaneed to them the story of Thomas Bilney in the book of martyrs, how freely the Spirit witnesseth unto him without any respect unto a work, as himself professes. Now upon this other speeches did grow. If you put me in mind of any thing I shall speak it, but this was the sum of the difference, nor did it seem to be so ill taken as it is, and our brethren did say also that they would not so easily believe reports as they had done, and withal mentioned that they would speak no more of it, some of them did ; and afterwards some of them did say they were less satisfied than before. And I must say that I did not find her saying they were under a covenant of works, nor that she said they did preach a covenant of works.

Gov. You say you do not remember, but can you say she did not speak so—*Here two lines again defaced.*

Mr. Cotton. I do remember that she looked at them as the apostles before the ascension.

Mr. Peters. I humbly desire to remember our reverend teacher. May it please you to remember how this came in. Whether do you not remember that she said we were not sealed with the Spirit of grace, therefore could not preach a covenant of grace ; and she said further you may do it in your judgment but not in experience, but she spake plump that we were not sealed.

Mr. Cotton. You do put me in remembrance that it was asked her why cannot we preach a covenant of grace ? Why, faith she, because you can preach no more than you know, or to that purpose, she spake. Now that she said you could not preach a covenant of grace I do not remember such a thing. I remember well that she said you were not sealed with the seal of the Spirit.

Mr. Peters. There was a double seal found out that day which never was.

Mr. Cotton. I know very well that she took the seal of the Spirit in that sense for the full assurance of God's favour by the Holy Ghost, and now that place in the Ephesians doth hold out that seal.

Mr. Peters. So that was the ground of our discourse concerning the great seal and the little seal.

Mr. Cotton. To that purpose I remember somebody speaking of the difference of the witness of the Spirit, and the seal of the Spirit, some to put a distinction called it the broad seal and the little seal. Our brother Wheelwright answered, If you will have it so be it so.

Mrs. H. Mr. Ward said that.

Some three or four of the ministers. Mr. Wheelwright said it.

Mr. Cotton. No, it was not brother Wheelwright's speech, but one of your own expressions, and as I remember it was Mr. Ward.

Mr. Peters. - - - - -

Mr. Cotton. Under favour I do not remember that.

Mr. Peters. Therefore her answer clears it in your judgment but not in your experience.

Mrs.

Mrs. H. My name is precious, and you do affirm a thing which I utterly deny.

Dep. gov. You should have brought the book with you.

Mr. Nowell. The witnesses do not answer that which you require.

Gov. I do not see that we need their testimony any further. Mr. Cotton hath expressed what he remembered, and what took impression upon him, and so I think the other elders also did remember that which took impression upon them.

Mr. Weld. I then said to Mrs. Hutchinson when it was come to this issue, why did you let us go thus long and never tell us of it?

Gov. I should wonder why the elders should move the elders of our congregation to have dealt with her if they saw not some cause.

Mr. Cotton. Brother Weld and brother Shephard, I did then clear myself unto you that I understood her speech in expressing herself to you that you did hold forth some matter in your preaching that was not pertinent to the seal of the Spirit—*Two lines defaced.*

Dep. gov. They affirm that Mrs. Hutchinson did say they were not able ministers of the New Testament.

Mr. Cotton. I do not remember it.

Mrs. H. If you please to give me leave I shall give you the ground of what I know to be true. Being much troubled to see the falseness of the constitution of the church of England, I had like to have turned Separatist; whereupon I kept a day of solemn humiliation and pondering of the thing; this scripture was brought unto me—*He that denies Jesus Christ to be come in the flesh is antichrist*—this I considered of, and in considering found that the Papists did not deny him to be come in the flesh, nor we did not deny him—who then was antichrist? Was the Turk antichrist only? The Lord knows that I could not open scripture; he must by his prophetical office open it unto me. So after that being unsatisfied in the thing, the Lord was pleased to bring this scripture out of the Hebrews. He that denies the testament denies the testator, and in this did open unto me and give me to see that those which did not teach the new covenant had the spirit of antichrist, and upon this he did discover the ministry unto me and ever since. I bless the Lord, he hath let me see which was the clear ministry and which the wrong. Since that time I confess I have been more choice, and he hath led me to distinguish between the voice of my beloved and the voice of Moses, the voice of John Baptist and the voice of antichrist, for all those voices are spoken of in scripture. Now if you do condemn me for speaking what in my conscience I know to be truth I must commit myself unto the Lord.

Mr. Nowell. How do you know that that was the Spirit?

Mrs. H. How did Abraham know that it was God that bid him offer his Son, being a breach of the sixth commandment?

Dep. gov. By an immediate voice.

Mrs. H. So to me by an immediate revelation.

Dep. gov. How! an immediate revelation.

Mrs. H. By the voice of his own Spirit to my soul. I will give you another scripture, Jer. xlvi. 27, 28—out of which the Lord shewed me what he would do for me and the rest of his servants.—But after he was pleased

pleased to reveal himself to me, I did presently like Abraham run to Hagar. And after that he did let me see the atheism of my own heart, for which I begged of the Lord that it might not remain in my heart, and being thus, he did shew me this (a twelvemonth after) which I told you of before. Ever since that time I have been confident of what he hath revealed unto me.

Obliterated. } another place out of Daniel chap. 7. and he
 and for us all, wherein he shewed me the sitting of the judgment and the standing of all high and low before the Lord, and how thrones and kingdoms were cast down before him. When our teacher came to New England it was a great trouble unto me, my brother Wheelwright being put by also. I was then much troubled concerning the ministry under which I lived, and then that place in the xxxth of Isaiah was brought to my mind—*Though the Lord give thee bread of adversity and water of affliction, yet shall not thy teachers be removed into corners any more, but thine eyes shall see thy teachers.* The Lord giving me this promise and they being gone there was none then left that I was able to hear, and I could not be at rest but I must come hither. Yet that place of Isaiah did much follow me; *Though the Lord give thee the bread of adversity, and water of affliction.* This place lying, I say, upon me, then this place in Daniel was brought unto me and did shew me that though I should meet with affliction, yet I am the same God that delivered Daniel out of the lion's den, I will also deliver thee. — Therefore I desire you to look to it, for you see this scripture fulfilled this day, and therefore I desire you, that as you tender the Lord and the church and commonwealth to consider and look what you do. You have power over my body, but the Lord Jesus hath power over my body and soul, and assure yourselves thus much, you do as much as if you lies to put the Lord Jesus Christ from you, and if you go on in this course you begin you will bring a curse upon you and your posterity, and the mouth of the Lord hath spoken it.

Dep. gov. What is the scripture she brings?

Mr. Stoughton. Behold I turn away from you.

Mrs. H. But now having seen him which is invisible I fear not what man can do unto me.

Gov. Daniel was delivered by miracle, do you think to be delivered so too?

Mrs. H. I do here speak it before the court. I look that the Lord should deliver me by his providence.

Mr. Harlakenden. I may read scripture and the most glorious hypocrite may read them, and yet go down to hell.

Mrs. H. It may be so.

*Mr. Bartholomew.** I would remember one word to Mrs. Hutchinson among many others. She knowing that I did know her opinions, being she was at my house at London, she was afraid I conceive or loth to impart herself unto me; but when she came within sight of Boston and looking upon the meanness of the place, I conceive she uttered these words, if she had not a sure word that England should be destroyed her heart would shake. Now it seemed to me at that time very strange that she should say so.

Mrs.

* A deputy I suppose for Salem.

Mrs. H. I do not remember that I looked upon the meanness of the place, nor did it discourage me, because I knew the bounds of my habitation were determined, &c.

Mr. Bartholomew. I speak as a member of the court. I fear that her revelations will deceive.

Gov. Have you heard of any of her revelations?

Mr. Bartholomew. For my own part I am sorry to see her now here, and I have nothing against her, but what I said was to discover what manner of spirit Mrs. Hutchinson is of; only I remember as we were once going through Paul's church yard she then was very inquisitive after revelations, and said that she had never had any great thing done about her but it was revealed to her beforehand.

Mrs. H. I say the same thing again.

Mr. Bartholomew. And also that she said that she was come to New England but for Mr. Cotton's sake. As for Mr. Hooker (as I remember) she said she liked not his spirit, only she spake of a sermon of his in the Low Countries wherein he said thus—It was revealed to me yesterday that England should be destroyed. She took notice of that passage, and it was very acceptable with her.

Mr. Cotton. One thing let me entreat you to remember, Mr. Bartholomew, that you never spake any thing to me.

Mr. Bartholomew. No, Sir, I never spake of it to you, and therefore I desire to clear Mr. Cotton.

Gov. There needs no more of that.

Mr. Bartholomew. Only I remember her eldest daughter said in the ship that she had a revelation that a young man in the ship should be saved, but he must walk in the ways of her mother.

Mr. Sims. I could say something to that purpose, for she said—Then what would you say if we should be at New England within these three weeks, and I reproved her vehemently for it.

Mr. Eliot. That speech of Mr. Hooker's which they allege is against his mind and judgment.*

Mr. Sims. I would entreat Mrs. Hutchinson to remember, that the humble he will teach—I have spoken before of it, and therefore I will leave the place with her, and do desire her to consider of many expressions that she hath spoken to her husband, but I will not enlarge myself.

Mr. Endicot. I would have a word or two with leave of that which hath thus far been revealed to the court. I have heard of many revelations of Mrs. Hutchinson's, but they were reports, but Mrs. Hutchinson I see doth maintain some by this discourse, and I think it is a special providence of God to hear what she hath said. Now there is a revelation you see which she doth expect as a miracle. She saith she now suffers, and let us do what we will she shall be delivered by a miracle. I hope the court takes notice of the vanity of it and heat of her spirit. Now, because her reverend teacher is here, I should desire that he would please to speak freely whether he doth condescend to such speeches or revelations as have been here spoken of, and he will give a great deal of content.

VOL. II.

E e

Mr.

* Mr. Eliot was mistaken. The passage from his sermon is in print, and Mr. Hooker avowed it afterwards at Hartford. Magn. B. iii. P. 62.

Mr. Cotton. May it please you, Sir. There are two sorts of revelations, there are [defaced] or against the word besides scripture both which [defaced] tactual and tending to danger more ways than one — there is another sort which the apostle prays the believing Ephesians may be made partakers of, and those are such as are breathed by the Spirit of God, and are never dispensed but in a word of God and according to a word of God; and though the word revelation be rare in common speech and we make it uncouth in our ordinary expressions, yet notwithstanding, being understood in a scripture sense, I think they are not only lawful, but such as Christians may receive and God bear witness to it in his word, and usually he doth express it in the ministry of the word, and doth accompany it by his Spirit, or else it is in the reading of the word in some chapter or verse, and whenever it comes it comes flying upon the wings of the Spirit.

Mr. Endicot. You give me satisfaction in the thing, and therefore I desire you to give your judgment of Mrs. Hutchinson; what she hath said you hear, and all the circumstances thereof.

Mr. Cotton. I would demand whether by a miracle she doth mean a work above nature, or by some wonderful providence, for that is called a miracle often in the psalms.

Mrs. H. I desire to speak to our teacher. You know, Sir, what he doth declare though he doth not know himself [something wanting] now either of these ways or at this present time it shall be done, yet I would not have the court so to understand me that he will deliver me now even at this present time.

Dep. gov. I desire Mr. Cotton to tell us whether you do approve of Mrs. Hutchinson's revelations as she hath laid them down.

Mr. Cotton. I know not whether I do understand her, but this I say, if she doth expect a deliverance in a way of providence — then I cannot deny it.

Dep. gov. No, Sir, we did not speak of that.

Mr. Cotton. If it be by way of miracle then I would suspect it.

Dep. gov. Do you believe that her revelations are true?

Mr. Cotton. That she may have some special providence of God to help her is a thing that I cannot bear witness against.

Dep. gov. Good Sir, I do ask whether this revelation be of God or no?

Mr. Cotton. I should desire to know whether the sentence of the court will bring her to any calamity, and then I would know of her whether she expects to be delivered from that calamity by a miracle or a providence of God.

Mrs. H. By a providence of God, I say, I expect to be delivered from some calamity that shall come to me.

Gov. The case is altered and will not stand with us now, but I see a marvellous providence of God to bring things to this pass that they are. We have been hearkening about the trial of this thing, and now the mercy of God by a providence hath answered our desires and made her to lay open herself and the ground of all these disturbances to be by revelations, for we receive no such ministry of the word made out of the

and

and so one scripture after another, but all this while there is no use of the ministry of the word nor of any clear call of God by his word ; but the groundwork of her revelations is the immediate revelation of the Spirit, and not by the ministry of the word, and that is the means by which she hath very much abused the country that they shall look for revelations and are not bound to the ministry of the word, but God will teach them by immediate revelations, and this hath been the ground of all these tumults and troubles, and I would that those were all cut off from us that trouble us, for this is the thing that hath been the root of all the mischief.

Court. We all consent with you.

Gov. Ey, it is the most desperate enthusiasm in the world, for nothing but a word comes to her mind, and then an application is made which is nothing to the purpose, and this is her revelations, when it is impossible but that the word and Spirit should speak the same thing.

Mr. Endicot. I speak in reference to Mr. Cotton. I am tender of you, Sir, and there lies much upon you in this particular, for the answer of Mr. Cotton doth not free him from that way which his last answer did bring upon him, therefore I beseech you that you'd be pleased to speak a word to that which Mrs. Hutchinson hath spoken of her revelations as you have heard the manner of it. Whether do you witness for her or against her.

Mr. Cotton. This is that I said, Sir, and my answer is plain, that if she doth look for deliverance from the hand of God by his providence, and the revelation be in a word or according to a word, that I cannot deny.

Mr. Endicot. You give me satisfaction.

Dep. gov. No, no, he gives me none at all.

Mr. Cotton. But if it be in a way of miracle or a revelation without the word, that I do not attest to, but look at it as a delusion, and I think so doth she too as I understand her.

Dep. gov. Sir, you weary me and do not satisfy me.

Mr. Cotton. I pray, Sir, give me leave to express myself. In that sense that she speaks I dare not bear witness against it.

Mr. Nowell. I think it is a devilish delusion.

Gov. Of all the revelations that ever I read of I never read the like ground laid as is for this. The enthusiasts and Anabaptists had never the like.

Mr. Cotton. You know, Sir, that their revelations broach new matters of faith and doctrine.

Gov. So do these, and what may they breed more if they be let alone ? I do acknowledge that there are such revelations as do concur with the word, but there hath not been any of this nature.

Dep. gov. I never saw such revelations as these among the Anabaptists, therefore am sorry that Mr. Cotton should stand to justify her.

Mr. Peters. I can say the same, and this runs to enthusiasm, and I think that is very disputable which our brother Cotton hath spoken

[wanting] an immediate promise that he will deliver them [wanting] in a day of trouble.

Gov. It overthrows all.

Dep. gov. These disturbances that have come among the Germans have been all grounded upon revelations, and so they that have vented them

them have stirred up their hearers to take up arms against their prince and to cut the throats of one another, and these have been the fruits of them, and whether the devil may inspire the same into their hearts here I know not, for I am fully persuaded that Mrs. Hutchinson is deluded by the devil, because the Spirit of God speaks truth in all his servants.

Gov. I am persuaded that the revelation she brings forth is delusion.

[All the court but some two or three ministers cry out, we all believe it—we all believe it.]

Mr. Endicot. I suppose all the world may see where the foundation of all these troubles among us lies.

Mr. Eliot. I say there is an expectation of things promised, but to have a particular revelation of things that shall fall out, there is no such thing in the scripture.

Gov. We will not limit the word of God.

*Mr. Collicut.** It is a great burden to us that we differ from Mr. Cotton, and that he should justify these revelations. I would entreat him to answer concerning that about the destruction of England.

Gov. Mr. Cotton is not called to answer to any thing, but we are to deal with the party here standing before us.

Mr. Bartholomew. My wife hath said that Mr. Wheelwright was not acquainted with this way until that she imparted it unto him.

Mr. Brown. Inasmuch as I am called to speak, I would therefore speak the mind of our brethren. Though we had sufficient ground for the censure before, yet now she having vented herself and I find such flat contradiction to the scripture in what she faith, as to that in the first to the Hebrews—*God at sundry times spake to our fathers*—For my part I understand that scripture and other scriptures of the Lord Jesus Christ, and the apostle writing to Timothy faith, that the scripture is able to make one perfect—therefore I say the mind of the brethren—I think she deserves no less a censure than hath been already past, but rather something more, for this is the foundation of all mischief and of all those bastardly things which have been overthrowing by that great meeting. They have all come out from this cursed fountain.

Gov. Seeing the court hath thus declared itself, and hearing what hath been laid to the charge of Mrs. Hutchinson, and especially what she by the providence of God hath declared freely without being asked, if therefore it be the mind of the court, looking at her as the principal cause of all our trouble, that they would now consider what is to be done to her.—

Mr. Coddington. I do think that you are going to censure, therefore I desire to speak a word.

Gov. I pray you speak.

Mr. Coddington. There is one thing objected against the meetings. What if she designed to edify her own family in her own meetings, may none else be present?

Gov. If you have nothing else to say but that, it is pity, Mr. Coddington, that you should interrupt us in proceeding to censure.

Mr. Coddington. I would say more, Sir, another thing you lay to her charge is her speech to the elders. Now I do not see any clear witness

against

* A deputy, I know not for what town, but I take him to be an inhabitant of Boston and a principal merchant.

against her, and you know it is a rule of the court that no man may be a judge and an accuser too. I do not speak to disparage our elders and their callings, but I do not see any thing that they accuse her of witnessed against her, and therefore I do not see how she should be censured for that. And for the other thing which hath fallen from her occasionally by the Spirit of God, you know the Spirit of God witnesseth with our spirits, and there is no truth in scripture but God bears witness to it by his Spirit, therefore I would entreat you to consider whether those things you have alleged against her deserve such censure as you are about to pass, be it to banishment or imprisonment. And again here is nothing proved about the elders, only that she said they did not teach a covenant of grace so clearly as Mr. Cotton did, and that they were in the state of the apostles before the ascension. Why I hope this may not be offensive nor any wrong to them.

Gov. Pass by all that hath been said formerly, and her own speeches have been ground enough for us to proceed upon.

Mr. Coddington. I beseech you do not speak so to force things along, for I do not for my own part see any equity in the court in all your proceedings. Here is no law of God that she hath broken nor any law of the country that she hath broke, and therefore deserves no censure, and if she say that the elders preach as the apostles did, why they preached a covenant of grace, and what wrong is that to them? for it is without question that the apostles did preach a covenant of grace, though not with that power, till they received the manifestation of the Spirit; therefore I pray consider what you do, for here is no law of God or man broken.

Mr. Harlakenden. Things thus spoken will stick. I would therefore that the assembly take notice that here is none that condemns the meeting of Christian women; but in such a way and for such an end that it is to be detested. And then though the matter of the elders be taken away, yet there is enow besides to condemn her, but I shall speak no further.

Dep. gov. We shall be all sick with fasting.

Mr. Colburn. I dissent from censure of banishment.

Mr. Stoughton. The censure which the court is about to pass in my conscience is as much as she deserves, but because she desires witness and there is none in way of witness, therefore I shall desire that no offence be taken if I do not formally condemn her, because she hath not been formally convicted as others are by witnesses upon oath.

Mr. Coddington. That is a scruple to me also, because Solomon saith, every man is partial in his own cause, and here is none that accuses her but the elders, and she spake nothing to them but in private, and I do not know what rule they had to make the thing public; secret things ought to be spoken in secret, and public things in public; therefore I think they have broken the rules of God's word.

Gov. What was spoken in the presence of many is not to be made secret.

Mr. Coddington. But that was spoken but to a few and in private.

Gov. In regard Mr. Stoughton is not satisfied, to the end all scruples may be removed we shall desire the elders to take their oaths.

[Here now was a great whispering among the ministers, some drew back, others were animated on.]

Mr.

Mr. Eliot. If the court calls us out to swear we will swear.

Gov. Any two of you will serve.

Mr. Stoughton. There are two things that I would look to discharge my conscience of, 1st. to hear what they testify upon oath, and 2dly. to —

Gov. It is required of you, Mr. Weld and Mr. Eliot.

Mr. Weld and Mr. Eliot. We shall be willing.

Gov. We'll give them their oaths. You shall swear to the truth, and Mr. Peters held up } nothing but the truth, as far as you know. So help his hand also. } you God. What you do remember of her speak, pray speak.

Mr. Eliot. I do remember and I have it written, that which she spake first was, the fear of man is a snare, why should she be afraid, but would speak freely. The question being asked whether there was a difference between Mr. Cotton and us, she said there was a broad difference. I would not stick upon words—the thing she said—and that Mr. Cotton did preach a covenant of grace and we of works, and she gave this reason—to put a work in point of evidence is a revealing upon a work. We did labour then to convince her that our doctrine was the same with Mr. Cotton's: She said no, for we were not sealed. That is all that I shall say.

Gov. What say you, Mr. Weld?

Mr. Weld. I will speak to the things themselves—these two things I am fully clear in—she did make a difference in three things, the first I was not so clear in, but that she said this I am fully sure of, that we were not able ministers of the New Testament, and that we were not clear in our experience because we were not sealed.

Mr. Eliot. I do further remember this also, that she said we were not able ministers of the gospel because we were but like the apostles before the ascension.

Mr. Coddington. This was, I hope, no disparagement to you.

Gov. Well, we see in the court that she doth continually say and unsay things.

Mr. Peters. I was much grieved that she should say that our ministry was legal. Upon which we had a meeting as you know, and this was the same she told us, that there was a broad difference between Mr. Cotton and us. Now if Mr. Cotton do hold forth things more clearly than we, it was our grief we did not hold it so clearly as he did, and upon those grounds that you have heard.

Mr. Coddington. What wrong was that to say that you were not able ministers of the New Testament, or that you were like the apostles—methinks the comparison is very good.

Gov. Well, you remember that she said but now that she should be delivered from this calamity.

Mr. Cotton. I remember she said she should be delivered by God's providence, whether now or at another time she knew not.

Mr. Peters. I profess I thought Mr. Cotton would never have took her part.

Mr. Stoughton. I say now this testimony doth convince me in the thing, and I am fully satisfied the words were pernicious, and the frame of her spirit doth hold forth the same.

Gov.

Gov. The court hath already declared themselves satisfied concerning the things you hear, and concerning the Troublesomeness of her spirit and the danger of her course amongst us, which is not to be suffered. Therefore if it be the mind of the court that Mrs. Hutchinson, for these things that appear before us, is unfit for our society, and if it be the mind of the court that she shall be banished out of our liberties and imprisoned till she be sent away, let them hold up their hands.

All but three.

Those that are contrary minded hold up yours.

Mr. Coddington and Mr. Colburn, only.

*Mr. Jennison.** I cannot hold up my hand one way or the other, and I shall give my reason if the court require it.

Gov. Mrs. Hutchinson, the sentence of the court you hear is, that you are banished from out of our jurisdiction as being a woman not fit for our society, and are to be imprisoned till the court shall send you away.

Mrs. H. I desire to know wherefore I am banished ?

Gov. Say no more, the court knows wherefore, and is satisfied.

* A deputy, I suppose, of Ipswich.

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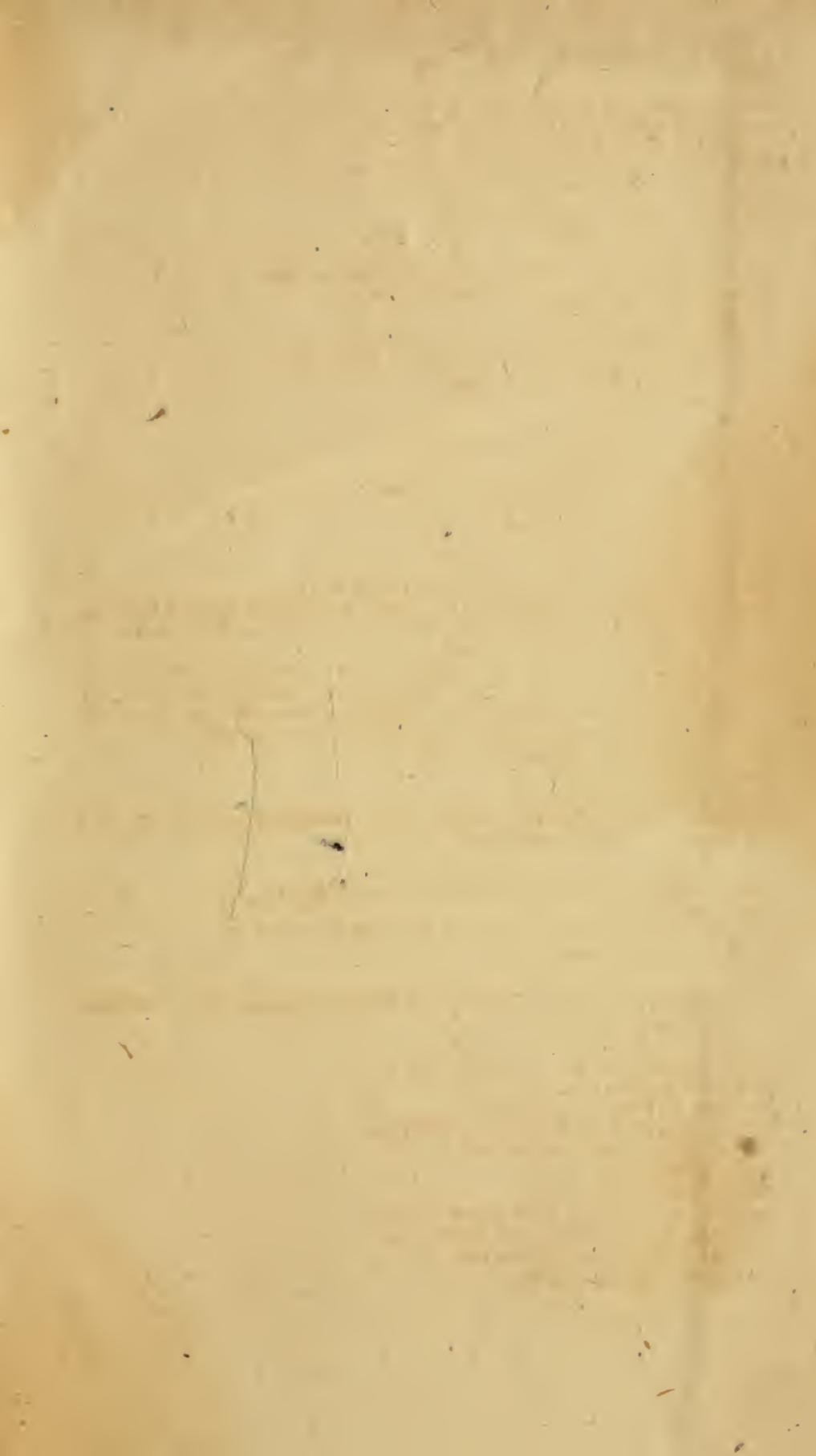
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